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PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 2831—Legis. 2-50-50, Bangalore, dated 19th December 1950.

Ordered that the accompanying Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950 (LXVIII of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 9th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 8th December 1950.

THE DISPLACED PERSONS (INSTITUTION OF SUITS AND LEGAL PROCEEDINGS) AMENDMENT ACT (LXVIII OF 1950).

AN

ACT

to amend the Displaced Persons (Institution of Suits) Act, 1948, and the Displaced Persons (Legal Proceedings) Act, 1949.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950.

2. Amendment of section 1, Act XLVII of 1948.—In sub-section (2) of section 1 of the Displaced Persons (Institution of Suits) Act, 1948 (hereinafter referred to as the said Act), for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

3. Amendment of section 2, Act XLVII of 1948.—In section 2 of the said Act, for the words "for a period of three years only" the words, figures and letters "only up to the 31st day of March, 1952" shall be substituted.

4. Substitution of new section for section 8 in Act XLVII of 1948.—For section 8 of the said Act, the following section shall be substituted, namely :—

"8. *Extension of period of limitation.*—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), or in any special, or local law, any suit or other legal proceeding by a displaced person—

(a) where such suit or other legal proceeding is instituted in pursuance of section 4 and the period of limitation expires or has expired on or after the 14th day of August, 1947, or

(b) where such suit or other legal proceeding is instituted otherwise than in pursuance of section 4 in respect of a cause of action which arises or has arisen in a place now situate within the territories of Pakistan and the period of limitation expires after the commencement of the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950,

may be instituted at any time before the date of expiry of this Act."

5. Amendment of section 1, Act XXV of 1949.—In sub-section (2) of section 1 of the Displaced Persons (Legal Proceedings) Act, 1949, for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

6. Amendment of section 8, Act XXV of 1949.—Section 8 of the Displaced Persons (Legal Proceedings) Act, 1949, shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) In particular and without prejudice to the generality of the foregoing provision, the expiry of this Act shall not affect the power of a court to grant any relief specified in section 4 in any suit or other legal proceeding, in respect of which the period of limitation has been extended under section 8 of the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), and such relief may be granted as if this Act had not expired."

7. Repeal and savings.—(1) If immediately before the commencement of this Act, there is in force in any of the Part B States any law corresponding to the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), or the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949), such corresponding law is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Displaced Persons (Institution of Suits) Act, 1948, or the Displaced Persons (Legal Proceedings) Act, 1949, as the case may be, as if those Acts were in force in the State on the day on which such thing was done or action was taken.

K. V. K. SUNDARAM, *Secy.*

NOTIFICATION. 3

No. L. D. 2832—Legis. 2-50-49, dated Bangalore, the 19th December 1950.

Ordered that the following Administration of Evacuee Property (Amendment) Act, 1950 (Act No. LXVI of 1950) published in the *Gazette of India*, Part II, Section 1, dated the 8th December, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW.

New Delhi, the 8th December, 1950.

The following Acts of Parliament received the assent of the President on the 7th December, 1950 and are hereby published for general information :—

THE ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) ACT, 1950.

No. LXVI OF 1950.

An Act to amend the Administration of Evacuee Property Act, 1950.

[*7th December, 1950*]

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Administration of Evacuee Property (Amendment) Act, 1950.

2. **Substitution of new section for section 58, Act XXXI of 1950.**—For section 58 of the Administration of Evacuee Property Act, 1950, the following section shall be substituted and shall be deemed always to have been substituted, namely :—

"*58. Repeals and savings.*—(*1*) The Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), and the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F), are hereby repealed.

(*2*) If, immediately before the commencement of this Act, there is in force in any State to which this Act extends any law which corresponds to this Act and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

(*3*) The repeal by this Act of the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), or the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F) or of any corresponding law shall not

affect the previous operation of that Ordinance, Regulation or corresponding law, and subject thereto, anything done or any action taken in the exercise of any power conferred by or under that Ordinance, Regulation or corresponding law, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken."

3. Repeal of Ordinance XXVII of 1950.—The Administration of Evacuee Property (Amendment) Ordinance, 1950 (XXVII of 1950), is hereby repealed.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section I-C

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NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. H.B. 9034—Ptl. 23-50-2, Bangalore, dated the 28th December 1950.

Ordered that the accompanying Notification Nos. III (P.M.T.) (X-105) 50-N. (13), dated 5th November 1950, and III(P.M.T.)—2—49-N. (15), dated the 14th November 1950, of the Ministry of Rehabilitation amending the Permit System Rules, 1949, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

K. SRINIVASAN,
Chief Secretary to Government.

MINISTRY OF REHABILITATION.

New Delhi, the 5th November 1950.

No. III—P.M.T. (X-105)—50-N. (13).—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government is pleased to direct that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

For rule 29, the following rule shall be substituted namely.—

"29 (1) Every permit issued under these rules shall be liable to cancellation at any time, without any reasons being assigned :—

(*a*) by the issuing authority ; or

(*b*) by the Central Government ; or

(*c*) subject to the provision of sub-rule (2) by any officer of a State Government authorised in writing in this behalf by the Central Government.

2. The Central Government may when authorising any officer of a State Government to exercise the powers conferred by sub-rule (i) impose such conditions and restrictions as may be specified in the authorisation.

3. A notice of the cancellation of a permit under the rule shall be served upon the permit holder. If it is not possible to serve such notice personally upon the permit holder, the notice may be served by publication in the official Gazette.

4. No person whose permit has been cancelled under sub-rule (i) shall stay in India for a period exceeding fifteen days from the date of the service of notice of the cancellation of the permit."

New Delhi, the 14th November 1950.

No. III (P.M.T.) (2)—49-N. (15).—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government is pleased to direct that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

In clause (III) of rule 5 of the said Rules, for the words and figure " with 2 copies of the applicant's photograph " the words and figure " with 4 copies of the applicant's photograph " shall be substituted.

NOTIFICATION.

No. L.D. 2737—Legis. 4-50-91, dated Bangalore, 13th December 1950.

Ordered that the following Notifications Nos. S.R.O. 957 and S.R.O. 958, dated the 15th and 16th November, 1950, of the Ministry of Communications amending the Indian Telegraphs Rules, 1932 and the Indian Post Office Rules, 1933, respectively published in the *Gazette of India*, Part II, Section 3, dated the 25th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 15th November 1950.

S.R.O. 957.—In exercise of the powers conferred by Sections 4 and 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following amendments shall be made in the Indian Telegraph Rules, 1932, nemely :—

In Rule 452-A of the said Rules :—

(i) After sub-rule (2), the following shall be inserted as sub-rule (3), namely :—

" (3) The charges for a telephone connection within a radial distance of 4 miles from a departmental exchange, which is not under the message

rate system, shall, for subscribers to whom the "Own your telephone scheme" applies, during the initial period of 20 years, be as follows :—

(a) Initial payment towards cost of telephone equipment to be made in one instalment	Rs.	2,000
(b) Maintenance charges (monthly)	Rs.	2
(c) Charges for local calls (monthly)	Rs.	12"

(ii) Sub-rules (2-A), (3) and (4) shall be renumbered as sub-rules (4), (5) and (6), respectively.

[No. R-3-27/50].

New Delhi, the 16th November 1950.

S.R.O. 958.—In exercise of the powers conferred by sections 10 and 32 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Post Office Rules, 1933, with effect from the 1st December, 1950, namely :—

In the said Rules—

I. In rule 5—

(1) Under the heading, "Letters", for clause (A) the following shall be substituted, namely :—

"(A) For any part of the world served by the Foreign Post with the exception of Aden, Ceylon, Nepal, Pakistan and Portuguese India :—

For a weight not exceeding one ounce.....four annas.

For every additional ounce or fraction thereof.....two and a half annas."

(2) Under the heading, "Postcards", for clause (A) the following shall be substituted, namely :—

"(A) For any part of the world served by the Foreign Post with the exception of Aden, Ceylon, Nepal, Pakistan and Portuguese India :—

For a single postcard.....two and a half annas.

For a reply postcard.....five annas."

(3) Under the heading, "Business Papers (legal and commercial documents)", for clause (A), the following shall be substituted, namely :—

"(A) For any part of the world served by the Foreign Post with the exception of Aden, Ceylon, Nepal, Pakistan and Portuguese India :—

For a weight not exceeding 10 ounces.....four annas.

For every additional two ounces or fraction therof.....nine pies."

(4) Under the heading, "Insured Boxes", for the existing entries the following shall be substituted, namely :—

"For a weight not exceeding ten ounces.....one rupee.

For every additional two ounces or fraction thereof.....three annas and three pies."

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II. In rule 7—

(1) For the proviso to sub-rule (1), the following shall be substituted, namely :—

"Provided that the postage or air mail fee actually charged shall in no case be less than one anna and three pies."

(2) For the existing sub-rule (2), the following shall be substituted, namely :—

"(2) For clearance through the customs, a fee of six annas recoverable from the addressee shall be levied on all foreign letters, packets and insured boxes, and a fee of eight annas on all foreign parcels, imported by post into India on which import customs duty is payable."

III. For rule 85, the following shall be substituted, namely :—

"85. In addition to the postage and the registration fee (in the case of letters and boxes), the following further fees shall be charged for insurance.

For insurance of letters and parcels to Aden or Ceylon and of letters to Portuguese India :—

		Annas
Where the value insured does not exceed Rs. 100	...	4
Where the value insured exceeds Rs. 100 but does not exceed Rs. 200	...	5½
Where the value insured exceeds Rs. 200 but does not exceed Rs. 300	...	8
For every additional Rs. 100 or fraction thereof over Rs. 300 and upto Rs. 1,000	...	2
For every additional Rs. 100 or fraction thereof over Rs. 1,000	...	1
For Insurance of letters and parcels to British Somaliland, Burma, Mauritius or Seychelles and parcels to Portuguese India :—		
Where the value insured does not exceed Rs. 460	...	12
For every additional Rs. 460 or fraction thereof	...	12
For Insurance of letters and parcles to Great Britain and Northern Ireland and to British Possessions and foreign countries other than those mentioned above :—		
Where the value insured does not exceed £35	...	12
For every additional £35 or fraction thereof	...	12"

[No. R-1-32/49].

K. V. VENKATACHALAM, *Dy. Secy.*

NOTIFICATION.

No. L.D. 2738—Legis. 4-50-90, dated Bangalore, 13th December 1950.

Ordered that the following Notification No. S.R.O. 952, dated the 20th November, 1950, of the Ministry of Agriculture amending the Vegetable Oil Products Control Order, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 25th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF AGRICULTURE

New Delhi, the 25th November 1950

S.R.O. 952.—In exercise of the powers conferred by sub-section (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Vegetable Oil Products Control Order, 1947, namely :—

(1) In the said Order :—

(i) Throughout the Order for the words "Province" and "Provincial" the word "State" shall be substituted.

(2) For sub-clause (ii) of clause 1, the following sub-clause shall be substituted :—

(ii) It extends to the whole of India except the State of Jammu and Kashmir.

(3) In sub-clause (b) of clause 3, the words "or of an Indian State ;" shall be omitted.

(4) In clause 9, for the words "His Majesty" the words "the Government" shall be substituted.

(5) After clause 10, the following shall be added, namely :—

"11. Any law in force in any Part B State except the State of Jammu and Kashmir, corresponding to this order, by whatever name called, is hereby repaled."

"12. All Notifications, directions and orders issued under this order which immediately before the 25th of November, 1950 were in force in certain parts of India are hereby extended to and shall be in force in the rest of India except the State of Jammu and Kashmir."

[No. 2-VP (2)/50.]

N. T. MONE, *Joint Secy.*

NOTIFICATION.

No. L. D. 2739— Legis. 4 50-89, dated Bangalore, 18th December 1950.

Ordered that the accompanying Notification No. S.R.O. 926 and 927, dated the 18th November 1950, of the Central Board of Revenue amending the Income-tax Rules, 1922, published in the *Gazette of India*, Part II, Section 3, dated the 18th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

CENTRAL BOARD OF REVENUE.

INCOME-TAX.

New Delhi, the 18th November 1950.

S.R.O. 926.—In exercise of the powers conferred by sub-section (*1*) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue is pleased to direct that the following further amendments shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (*4*) of the said Section, namely :—

In the said Rules—

(i) In Rule 16 for the word and figures 'Rs. 1,600' the word and figures 'Rs. 3,000' shall be substituted.

(ii) In Rule 17 for the word and figures 'Rs. 1,600' wherever they occur in the certificate at the end of the form, the word and figures 'Rs. 3,000, shall be substituted.

[No. 129.]

S.R.O. 927.—In exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922, (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely :—

"Rule 19A of the said Rules shall be omitted."

[No. 130.]

PYARE LAL, *Secy.*

NOTIFICATION.

No. L.D. 2740—Legis. 4-50-88, dated Bangalore, 13th December 1950.

Ordered that the accompanying Notification No. S.R.O. 917, dated the 5th November 1950, of the Ministry of Rehabilitation amending the Permit System Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 18th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION

New Delhi, the 5th November 1950.

S.R.O. 917.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government is pleased to direct that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

For rule 29, the following rule shall be substituted, namely :—

"29 (1). Every permit issued under these rules shall be liable to cancellation at any time, without any reasons being assigned—

(*a*) by the issuing authority ; or

(*b*) by the Central Government ; or

(*c*) subject to the provision of sub-rule (2) by any officer of a State Government authorised in writing in this behalf by the Central Government.

(2) The Central Government may when authorising any officer of a State Government to exercise the powers conferred by sub-rule (1) impose such conditions and restrictions as may be specified in the authorisation.

(3) A notice of the cancellation of a permit under the rule shall be served upon the permit holder. If it is not possible to serve such notice personally upon the permit holder, the notice may be served by publication in the official Gazette.

(4) No person whose permit has been cancelled under sub-rule (1) shall stay in India for a period exceeding fifteen days from the date of the service of notice of the cancellation of the permit."

[No. III/PMT (X-105)/50-N(13).]

V. D. DANTYAGI, *Joint Secy.*

NOTIFICATION.

No. L.D. 2712—Legis. 6-50-65, Bangalore, dated 13th December 1950.

Ordered that the following Notification No. S.R.O. 289, dated the 18th November 1950, of the Ministry of Defence under the National Cadet Corps Act, 1948, published in the *Gazette of India*, Part II, Section 4, dated the 18th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

S.R.O. 289.—In exercise of the powers conferred by sub-section (2) of section 12 of the National Cadet Corps Act, 1948 (XXXI of 1948), and in partial modification of the notification of the Government of India in the Ministry of Defence No. S.R.O. 117, dated the 2nd July 1950, the Central Government is pleased to appoint Shri K. Hanumanthaiya, member of the Central Advisory Committee, National Cadet Corps, as *Ex-officio* member of the State Advisory Committee, National Cadet Corps, for the State of Mysore.

H. M. PATEL,
Secretary.

NOTIFICATION.

No. L.D. 2743—Legis. 6-50-64, Bangalore, dated 13th December 1950.

Ordered that the following Notification No. S.R.O. 908, dated the 16th November 1950, of the Ministry of Industry and Supply under the Supply and Prices of Goods Ordinance, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 16th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION

New Delhi, the 16th November 1950.

S.R.O. 908.—In exercise of the powers conferred by sections 4, 7, 10 and 19 of the Supply and Prices of Goods Ordinance, 1950 (No. XXVI of 1950), the Central Government is pleased to cancel the Notification of the Government of India in the Ministry of Industry and Supply, No. S.R.O. 502, dated the 2nd September 1950, regarding razor blades.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies, the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India.*

No. PC-6(1) 50.

K. RAM,

Deputy Secretary to the Government of India.

NOTIFICATION.

No. L.D. 2744—Legis. 4-50-27, Bangalore, dated 13th December 1950.

Ordered that the following Notification No. S.R.O. 931, dated the 14th November 1950, of the Ministry of Rehabilitation amending the Permit System Rules, 1949 published in the *Gazette of India*, Part II, Section 3, dated the 17th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION.

New Delhi, the 14th November 1950.

S.R.O. 931.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949, (XXIII of 1949), the Central Government is pleased to direct that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

In clause (iii) of rule 5 of the said Rules, for the words and figure "with 2 copies of the applicant's photograph" the words and figure "with 4 copies of the applicant's photograph" shall be substituted.

[No. III(PMT) (2)/49-N(15).]

V. D. DANTYAGI, Joint Secy.

NOTIFICATION.

No. L.D. 2745—Legis. 4-50-92, Bangalore, dated 13th December 1950.

Ordered that the following Notification No. S.R.O. 271, dated the 11th November 1950, of the Ministry of Defence amending the Territorial Army Rules, 1948, published in the *Gazette of India*, Part II, Section 4, dated the 11th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF DEFENCE.

New Delhi, the 11th November 1950.

S.R.O. 271.—In exercise of the powers conferred by Section 14 of the Territorial Army Act, 1948 (LVI of 1948), the Central Government is pleased to direct that the following amendment shall be made in the Territorial Army Rules, 1948, namely :—

After clause (b) of Rule 20 (1) of the said Rules, the following clause shall be inserted, namely :—

"(c) Every such person who is appointed to an Urban unit shall be liable, for the purpose of firing the annual musketry course, to be embodied for a period not exceeding one day in the year in addition to the period prescribed in clause (b) of Rule 20 (1). Such periods of embodiment shall only take place on Sundays or recognised holidays."

H. M. PATEL, *Secy.*

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NOTIFICATION.

No. L.D. 2749—Legis. 6-50-66, Bangalore, dated 13th December 1950.

Ordered that the following Notification Nos. S.R.O. 964, 965, 966 and 967, dated the 23rd November 1950 of the Ministry of Industry and Supply under the Supply and Prices of Goods Ordinance, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 23rd November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATIONS.

New Delhi, the 23rd November 1950.

S.R.O. 964.—In exercise of the powers conferred by clause (c) of section 13 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), and of all other powers enabling it in this behalf, the Central Government is pleased to direct that tannery wool produced within the States of Madras and Mysore shall not be transported by rail, road, air or water to any destination other than Bangalore, Wallajah and Salem, except under a permit issued by the Director of Industries, Madras or the Director of Industries, Mysore, as the case may be.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-11 (1)-50-1]

S.R.O. 965.—In exercise of the powers conferred by section 3 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), the Central Government is pleased to direct that the provisions of the said Ordinance shall apply to tannery wool (wool recovered from sheep skin in a tannery before the tanning operation).

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India: Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-11 (1)/50/2.]

S.R.O. 966.—In exercise of the powers conferred by Section 3 of the Supply and Prices of Goods Ordinance, 1950 (No. XXVI of 1950), the Central Government is pleased to direct that the provisions of the said Ordinance shall apply to 'cycle parts and accessories' and 'Ostermilk'.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2 (10)/50/1.]

S.R.O. 967.—In exercise of the powers conferred by sections 4, 7, 9, 10 and 19 of the Supply and Prices of Goods Ordinance, 1950 (No. XXVI of 1950), and of all other powers enabling it in this behalf, the Central Government is pleased—

(*a*) to fix, in respect of the goods specified in column 1 of the Schedule hereto annexed, the price specified in column 2 thereof as the maximum price which may be charged by a dealer or producer;

(b) to direct that in respect of such goods :—

(i) the maximum quantity which may be sold in any one transaction to any person other than a dealer shall be one tin or bottle, as the case may be; provided that in the case of a Hospital, Nursing Home, Maternity or Child Welfare Centre or Orphanage, a quantity not exceeding one month's moral requirements based on the previous three months' actual consumption, may be sold on the production of a certificate to that effect by the Officer-in-charge of any such institution;

(ii) a sale shall not be made to a dealer unless the seller has obtained from the dealer a declaration in writing that the quantity proposed to be sold to him does not exceed his requirements for normal trade for three months;

(iii) every dealer shall exhibit on the first day of every month at some easily accessible place on the premises of a price list of such goods held for sale and a statement of the total quantity of any such goods held in stock.

THE SCHEDULE.

Goods	Maximum price
Infants' foods (Ostermilk)	The price prevailing on the 15th June, 1950 in the locality where the dealer or producer is carrying on business,

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations, the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi, the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2 (10)/50/2.]

K. RAM, *Dy. Secy.*

NOTIFICATION.

No. L.D. 2840—Legis. 6-50-67, dated Bangalore, the 19—20th December 1950.

Ordered that the following Notifications No. S. R. O. 979 and 980, dated the 27th November and 2nd December 1950, respectively of the Ministry of Industry and Supply under the Supply and Prices Goods Ordinance, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 2nd December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF INDUSTRY AND SUPPLY.

New Delhi, the 27th November 1950.

S. R. O. 979.—In exercise of the powers conferred by sections 7 and 19 of the Supply and Prices of Goods Ordinance, 1950 (No. XXVI of 1950), the Central Government is pleased to direct that every dealer in and producer of the goods specified in the Schedule hereto annexed, shall declare in writing on or before the 15th December 1950 and 15th day of every subsequent month, to the Government of India, Ministry of Industry and Supply, New Delhi, the stock of such goods held by him at the end of the preceding month. A copy of such statement shall be sent by the dealer or producer to the Government of the State in which the dealer or producer is carrying on business or any officer authorised by the States in this behalf.

THE SCHEDULE.

Bicycles, bicycle parts and accessories.

Cycle tyres and tubes.

Infants' foods (Glaxo, Horlicks, Cow and Gate Milk and Ostermilk.)

Electric bulbs.

ORDER:

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India in London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in

Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. 15(5)-PC/50].

New Delhi, the 2nd December 1950.

S.R.O. 980.—In exercise of the powers conferred by sections 7, 13 and 19 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950) and all other powers enabling it in this behalf, the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of Industry and Supply, No. S. R. O. 700, dated the 30th September 1950, namely—

To the said notification, the following proviso shall be added, namely :—

"Provided that nothing in clauses (a) and (b) shall apply to a small dairy farmer who is engaged in the cottage industry of producing crude casein (unground and unsieved), not exceeding 300 lbs. per month.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India in London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan; Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-10(1)/50.]

K. RAM, *Dy. Secy.*

NOTIFICATION.

No. L.D. 2841—Legis. 5-50-20, dated Bangalore, the 29th December 1950.

Ordered that the following Notification No. S. R. O. 870, dated the 4th November 1950 of the Ministry of Law—Adaptation of Laws (Second Amendment) Order 1950 (C. O. 25.) published in the *Gazette of India*, Part II, Section 3, dated the 4th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW

NOTIFICATION.

New Delhi, the 4th November, 1950.

S. R. O. 870.—The following Order made by the President is published for general information :—

C. O. 25

ADAPTATION OF LAWS (SECOND AMENDMENT) ORDER, 1950.

In exercise of the powers conferred by clause (2) of article 372 of the Constitution of India and of all other powers enabling him in this behalf, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Adaptation of Laws (Second Amendment Order 1950.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

2. In the First Schedule to the Adaptation of Laws Order, 1950, for the direction relating to section 2 of the Cinematograph (Second Amendment) Act, 1949 (LXII of 1949), the following shall be substituted, namely :—

'*Section* 2.—For sub-section (2) to be substituted in the Indian Cinematograph Act, 1918, by this section, substitute :—

" (2) It extends to all Part A States and Part C States, and also to every part B State, other than Hyderabad and Jammu and Kashmir, in so far as it relates to the sanctioning of cinematograph films for exhibition ".'

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

No. L.D. 2896—Legis. 6-50-68, Bangalore, dated the 27th December 1950.

Ordered that the following Notification No. S.R.O. No. 1040, dated 13th December 1950 of the Ministry of Industry and Supply under the Supply and Prices of Goods Ordinance, 1950 fixing the prices of Electric Bulbs published in the *Gazette of India*, dated the 13th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION.

New Delhi, the 13th December 1950.

S.R.O. 1040—In exercise of the powers conferred by Sections 4, 7, 10 and 19 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950) and of all other powers enabling it in this behalf, the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of Industry and Supply, No. S.R.O. 504, dated the 2nd September, 1950, namely :—

For the Schedule annexed to the said notification, the following Schedule shall be substituted, namely :—

THE SCHEDULE.

Goods				Maximum retail price to the consumer (per electric bulb)
Electric bulbs (G.L.S.) of Standard voltages ranging from 100 to 130 volts and from 200 to 300 volts				
	Size		*Type*	
				Rs. a. p.
(1)	5	Watt	Vacuum ...	1 6 0
	10	"	" ...	1 5 0
	15 to 40	"	" ...	1 3 0
	40	"	Gasfilled ...	1 6 0
	60	"	" ...	1 8 0
	60	"	Vacuum ...	1 4 0
(2)	Frosted lamps		... ...	One anna per lamp more than the corresponding ordinary electric lamps in item (1) above.
(3)	Sprayed lamps		... ...	20 per cent more than the corresponding ordinary lamps in item (1) above.
(4)	Opal and natural coloured lamps.		...	50 per cent do
(5)	Daylight blue lamps.		... ...	33 1/3 per cent do
(6)	Lamps of non-standard or odd voltages.		...	25 per cent do

K. RAM,

Deputy Secretary to the Government of India.

NOTIFICATION.

No. L.D. 2930—Legis. 6-50-70, Bangalore, dated 3rd January 1951.

Ordered that the accompanying Notification No. S.R.O. 1103, dated the 23rd December 1950 of the Ministry of Industry and Supply under the Supply and Prices of Goods Ordinance, 1950, fixing the prices of Infants' Foods, published in the *Gazette of India*, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION.

New Delhi, the 23rd December 1950.

No. S.R.O. 1103.—In exercise of the powers conferred by Sections 4, 7, 9, 10 and 19 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), and of all other powers enabling it in this behalf, the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. S.R.O. 500, dated the 2nd September 1950, namely :—

For the Schedule annexed to the said Notification, the following Schedule shall be substituted namely :—

SCHEDULE.

	Goods		*Maximum retail price to the consumer.* Rs.	a.	p.	
1.	Horlicks 1 lb.	...	3	8	0	per bottle
2.	Horlicks ½ lb.	...	2	0	0	"
3.	Glaxo 1 lb.	...	3	2	0	per tin
4.	Glaxo 2 lbs.	...	5	15	0	"
5.	Ostermilk 1 lb.	...	3	3	0	"
6.	Ostermilk 2 lbs.	...	6	0	0	"

K. RAM,
Deputy Secretary.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. 13588—C.B. 294-50-4. Bangalore, dated 28th December 1950.

In exercise of the powers conferred by sub-rules (2) and (3) of rule 81 of the Defence of India Rules, as in force in Mysore, and as continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947, (Mysore Act No. XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that in the Order No. D. 4883—I. & C. 165-49-1, dated the 21st December, 1949, for the words "the Additional Director of Industries and Commerce in Mysore," the words "the Chief Electrical Engineer in Mysore," shall be substituted, and to direct with reference to sub-rule (1) of rule 119 of the said Defence of India Rules that a copy of this Order shall be published in the *Mysore Gazette* and served on the Secretary of the Mysore Lamp Works, Ltd., Bangalore.

This amendment shall be deemed to have come into force from the 10th day of December 1950.

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

No. 7765—G.F. 42-50-7, Bangalore, dated 30th December 1950.

In exercise of the powers conferred by Sub-section (1) of Section 6 of the Government Securities Act, 1925 (Mysore Act VIII of 1925), His Highness the Maharaja of Mysore is pleased to declare that the provisions of the said Sub-section shall apply to the offices of the Finance

Secretary to the Government of Saurashtra and the Financial Secretary to the Government of Mysore.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

No. L.S. 3478—L. W. 20-50-17, dated Bangalore, 30th December 1950.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act No. II of 1948), and in supersession of Notification No. L.S. 746—L.W. 20-50-8, dated the 3rd June 1950, His Highness the Maharaja of Mysore is pleased to exempt all petrol bunks and storage depots for petrol and other petroleum products in the State of Mysore from the provisions of Chapters II and III of the said Act.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

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PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE

NOTIFICATION

No. L.D. 2499—Legis. 4-50-67, dated Bangalore, 30th November 1950.

Ordered that the following Notification No. S.R.O. 811, dated the 28th October 1950 of the Ministry of Rehabilitation, publishing the Administration of Evacuee Property (Central) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 28th October 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,
B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION

New Delhi, the 28th September 1950

S.R.O. 811.—In exercise of the powers conferred by Section 56 of the Administration of Evacuee Property Act, 1950 (No. XXXI of 1950), the Central Government is pleased to make the following Rules, namely :—

1. *Short title.*—These Rules may be called the Administration of Evacuee Property (Central) Rules, 1950.

2. *Definitions.*—In these Rules :—

(*a*) "The Act" means the Administration of Evacuee Property Act, 1950 (Act No. XXXI of 1950).

(*b*) "Form" means a form appended to these Rules.

(*c*) "Section" and "sub-section" mean, respectively, a Section and a sub-section of the Act.

(*d*) All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Act.

3. *Conditions of service of the Custodian General and other officers.*—(1) The Custodian General and all Officers appointed by or under him, shall, subject to any special contract to the contrary, be governed by the Central Civil Service Rules applicable to the class of officers to which the Custodian General or such officers belong.

(2) If any question arises as to the class of officers to which the Custodian General or any such officer belongs the decision of the Central Government thereon shall be final.

4. The Central Government may appoint as many Deputy and Assistant Custodians General as it may deem necessary to assist the Custodian General in the discharge of his functions. Such Deputy and Assistant Custodians General shall perform such functions as the Custodian General may assign to them.

5. *Transfer of assets to Pakistan.*—A remittance of any sum of money to Pakistan shall not be deemed to have been made for the purpose of financing a transaction in the ordinary course of trade within the meaning of the proviso to section 2 (*e*) (i) of the Act if—

(i) it is found to be a remittance of capital to Pakistan without an adequate return in India in the shape of money or goods; or

(ii) the transaction to finance which the remittance is made is outside the normal trade activities of the remitter; or

(iii) the object of the remitter is to invest money in property, shares or securities held outside India; or

(iv) the transaction is benami; or

(v) the amount remitted exceeds the financial capacity and resources of the remitter:

Provided that the Custodian may, subject to such terms and conditions as he may deem fit, permit the remittance of any reasonable sum of money to Pakistan:

Provided further that the Custodian shall permit a remittance of Rs. 25 per mensem for the maintenance of each member of the family of the remitter so long as such member continues to stay in Pakistan and if the aggregate amount so remitted is not beyond the financial resources of the remitter.

6. *Manner of inquiry under section 7.*—(1) Where the Custodian is satisfied from information in his possession or otherwise that any property or an interest therein is *prima facie* evacuee property, he shall cause a notice to the served, in Form No. 1, on the person claiming title to such property or interest and on any other person or persons whom he considers to be interested in the property.

(2) The notice shall, as far as practicable, mention the grounds on which the property is sought to be declared evacuee property and shall specify the provision of the Act under which the person claiming any title to, or interest in, such property is alleged to be an evacuee.

(3) The notice shall be served personally, but if that is not practicable, the service may be effected in any manner provided in Rule 28.

(4) Where a notice has been duly served, and the party called upon to show cause why the property should not be declared as evacuee property, fails to appear on the date fixed for hearing, the Custodian may proceed to hear the matter *ex-parte* and pass such order on the material before him as he deems fit.

(5) Where such party appears and contests the notice he shall forthwith file a written statement verified in the same manner as a pleading under the Code of Civil Procedure 1908, stating the reasons why he should not be deemed to be an evacuee and why the property or his interest therein should not be declared as evacuee property. Any person or persons claiming to be interested in the enquiry or in the property being declared as evacuee property, may file a reply to such written statement. The Custodian shall then, either on the same day or on any subsequent day to which the hearing may be adjourned, proceed to hear the evidence, if any, which the party appearing to show cause may produce and also evidence which the party claiming to be interested as mentioned above may adduce.

(6) After the whole evidence has been duly recorded in a summary manner, the Custodian shall proceed to pronounce his order. The order shall state the points for determination, and the findings thereon with brief reasons.

7. *Notification of Evacuee Property under sub-section (3) of Section 7.*—(1) The Custodian, after holding such enquiry, as he deems fit and on being satisfied that a particular property is evacuee property, shall notify the same in the Official Gazette or in any local newspaper or on the Notice Board kept for that purpose in his office. In the last mentioned case, the Custodian may, in addition, cause a copy of the Notification to be affixed on the evacuee property.

(2) The notification shall be in Form 2 and shall give full particulars of the property regarding the location, Municipal numbers, etc. In case of agricultural land, it shall specify, as far as possible, its khasra number and the village where it is situated. Any error or irregularity in the drawing up or the publication of the notification shall not be deemed to detract from the validity of such a Notification or otherwise afford a valid defence to claim of the Custodian to the property as having vested in him.

(3) A list of all such evacuee property brought up-to-date in each State shall be published once a year, in the Official Gazette or in such other manner as the Custodian deems fit.

8. *Notice to surrender possession under sub-section (4) of Section 8.*—(1) On the publication of a notification under Rule 7 a notice in Form 3 demanding surrender of possession may be served on the occupant or holder of evacuee property, calling upon him to surrender possession to the Custodian or a person authorised by him in this behalf within the time specified in the notice, provided that in any emergent case, the Custodian may require the occupant to give up possession immediately and the premises may be sealed at once.

(2) A notice under sub-rule (1) shall be signed by an officer not below the rank of Assistant Custodian.

9. *Procedure under Section 9.*—(i) Where a notice has been duly served on the occupant or holder of the property under Rule 8 and the possession is not delivered as required, the officer who issued the notice or any other officer

not below the rank of a Deputy Custodian, may issue a warrant of eviction or seizure in Form 4. One copy of the warrant shall be forwarded to the officer in charge of Police Station within the territorial limits of which the property concerned is for the time being, to be found or such other officer as may be in charge of carrying out evictions or seizures, who shall forthwith take steps to effect the eviction or seizure with the use of such force as may be necessary.

(ii) Every police officer to whom a warrant of eviction or seizure is sent for execution shall submit a weekly report to the Deputy Superintendent of Police having jurisdiction and a copy thereof of the Custodian, giving details of number of warrants entrusted to as well as executed by him together with such other particulars as may be necessary.

(iii) A register of warrants shall be maintained by the Custodian and such register shall contain the following particulars :—

(*a*) Name of owner.

(*b*) Description of property.

(*c*) Name of the person against whom the warrant is to be executed.

(*d*) Date of issue and service of surrender notice.

(*e*) The final result.

(iv) The Custodian, the Additional Custodian or the Authorised Deputy Custodian of his own motion or on the motion of the party aggrieved, may stay any eviction proceeding pending disposal of the appeal against the order declaring the property to be evacuee property.

10. *Mode of taking possession of immovable property.*—(1) Where, any evacuee property, which vests in the Custodian, is in the possession of either the evacuee himself or any other person, whether holding on behalf of or under, the evacuee or otherwise, but having no lawful title to the possession of such property enforceable against the Custodian, possession may be taken by evicting the person in possession of such property in accordance with the manner provided in the Act and these Rules.

(2) Where such property is, at the time aforesaid, in the possession of one or more tenants or one or more lessees or licensees whom the Custodian cannot eject or, for any reason, does not want to eject, possession may be taken by serving on the tenants or the lessees or the licensees a notice directing them to pay the rent or the lease-money or the license fee, as the case may be, to the Custodian or to any person authorised by him to receive such payment. The notice may be served in any manner provided in Rule 25.

Where such property is an undivided share in joint property.

(*a*) If under some arrangement *inter se* the co-shares, the evacuee was in separate possession of any part of the joint property, possession may be taken of such part in accordance with the manner provided in sub-rule (1) or sub-rule (2), whichever is applicable.

(*b*) In any other case, constructive possession may be taken by affixing a copy of the warrant for possession on a conspicuous part of the property, and if considered necessary by proclamation, by beat of drum in the locality in which the property is situated :

Provided that where the share of the evacuee in such property exceeds one-half of the whole property, possession of the whole property may be taken in the manner provided in sub-rule (1) or sub-rule (2) whichever is applicable.

11. *Mode of taking possession of tangible movable property.*—Where the property to be taken possession of is tangible movable property, possession may be taken by actual seizure and after such seizure the Custodian may either keep the property in his own custody or entrust it to a supurdar on the latter furnishing security in Form No. 5. Provided that where the property is subject to speedy or natural decay or the expense of keeping it is likely to be out of proportion to its value, the Custodian may sell it forthwith.

12. *Mode of taking possession of other movable property.*—(1) Where property to be taken possession of is a debt or a legacy or interest payable on a debt or a legacy, possession may be taken by serving the party liable with a notice, requiring such party to pay the same to the Custodian or any other person authorised by him to receive the payment.

(2) Where such property is a share in a joint-stock-company, not being a joint-stock-company referred to in sub-clause (2) (ii) of clause (*f*) of Section 2 of the Act, possession may be taken by informing the principal officer of such company that the share has vested in the Custodian.

(3) Where such property consists of Government or other securities, stock, or debentures, possession may be taken by serving upon the appropriate authority a notice requiring such authority to make all payments in respect of such securities, stock, or debentures to the Custodian or any other person authorised by him in this behalf.

(4) Where such property is a running business or a share in such business, the Custodian may take possession of the stock-in-trade and other assets of the business and may further take such steps as he considers necessary either for the continuance or for the winding up of such business.

13. *Preparation of inventory of movable property.*—Where the Custodian takes possession of any movable property including any stock-in-trade or plant or machinery or any undertaking, he shall cause an inventory to be prepared of the property in Form No. 6, in triplicate, in the presence of not less than two residents of the locality. The inventory shall be signed by the person by whom it was prepared and each of the two witnesses and shall be countersigned by the Cusdodian. One copy of the inventory shall be made over to the supurdar (if any) and two copies shall be retained by the Custodian.

14. *Cancellation or variation of leases and allotments.*—(1) The Custodian shall not ordinarily vary the terms of a lease subsisting at the time he takes possession of immovable property or cancel any such lease or evict a person who is lawfully in occupation of such property under a lease granted by the lessor before he became an evacuee and not in anticipation of becoming an evacuee unless the Custodian is satisfied that the lessee has done or omitted to do something which renders him liable to eviction under any law for the time being in force.

(2) In case of a lease or allotment granted by the Custodian himself, the Custodian may evict a person on any ground justifying eviction of a tenant under any law relating to the Control of Rents for the time being in force in the State concerned, or for any violation of the conditions of the lease or the allotment.

(3) The Custodian may evict a person who has secured an allotment by mis-representation or fraud or if he is found to be in possession of more than one evacuee property or in occupation of accommodation in excess of his requirements.

(4) Before cancelling, or varying the terms of a lease or before evicting any lessee the Custodian shall serve the person or the persons concerned with a notice to show cause against the order proposed to be made and shall afford him a reasonable opportunity of being heard.

(5) Nothing in this rule shall be deemed to abridge or limit the power of the Custodian to cancel, or vary the terms of a lease relating to evacuee property, or to evict a lessee of such property where he is of the opinion that, for reasons to be recorded in writing it is necessary or expedient to do so for the preservation, or the proper administration or the management of such property or for carrying out any other object of the Act.

15. *Procedure for restoration of property.*—(1) A person applying for restoration of evacuee property shall state in the application the names of the persons interested in the property sought to be restored and the facts on which the claim for restoration is based.

(2) The application shall be verified in the same manner as a plaint under the Code of Civil Procedure 1908.

(3) The application shall be accompanied by a certificate from the Central Government or an authorised person as provided in the proviso to sub-section (1) of Section 16.

(4) A notice of the application shall be given to the party or parties named therein and any other person who may otherwise appear to the Custodian to be interested in the property.

(5) A public notice of the application shall also be issued in a local daily or weekly newspaper at the expense of the applicant.

(6) The applicant shall, before any order for restoration is made, produce a "No demand Certificate" from the relevant branches of the office of the Custodian.

(7) On the date fixed, the Custodian shall hold *an enquiry as nearly* as may be in the manner *prescribed in Rule 5* into the matters raised in the Application for restoration or in any written statement filed by any other party.

16. *Terms and conditions which a Custodian may impose while making an order for restoration of property under section 16.*—Without prejudice to the generality of the provisions contained in section 16 on the subject, a Custodian may, while making an order for the restoration of any evacuee property under that section, impose any terms or conditions which he considers to be just and proper, having regard to the commitments already made, or action already taken by him in the exercise of his functions under the Act, or which otherwise seem to be necessary for carrying out the purpose of the Act.

17. *Enquiries under Section 19.*—A notice under section 19 shall briefly specify the grounds on which, and the provision of the Act under which a person is called upon to show cause why he should not be declared an "intending evacuee". Subject to this rule, the same procedure as is laid down in Rule 5 will be followed in an enquiry under the aforesaid section.

18. *Enquiries under section 22.*—(1) If an intending evacuee contravenes the directions given to him by the Custodian or acts contrary to any of the provisions of the Act, or if there is reason to believe, on a consideration of the facts disclosed during the course of the enquiry under Section 19 or otherwise, that he had, after the 14th day of August, 1947, and before the 18th day of October, 1949, done any of the acts referred to in the explanation to Section 22

(of the Act) or hereinafter prescribed as constituting a preparation for his migration to Pakistan, the Custodian shall serve him with a notice to show cause why his property or properties should not be taken over as evacuee property.

(2) In addition to the circumstances mentioned in the explanation to Section 22 of the Act, the following shall be deemed to constitute a preparation for migration to Pakistan.

(i) disposal of the bulk of one's house-hold effects,

(ii) disposal of assets essential to one's profession, practice or calling or trade such as the disposal of medical books and equipment by a doctor, the disposal of law books by a practising lawyer and the disposal of his stock-in-trade by a trader, and

(iii) disposal of the tools and instruments by which a person earns his livelihood.

(3) After a notice has been served as provided in Rule 17, if the person fails to appear on the date specified in the notice, the Custodian shall proceed to give his findings *ex parte*.

(4) If the party appears and puts in objections, his objections shall be decided after giving him a reasonable opportunity of adducing evidence in support of his objections. The Custodian may, in his discretion allow any other party to produce evidence in rebuttal of such evidence and may himself call such evidence as he deems fit.

(5) After hearing all the evidence, the Custodian shall proceed to pronounce his order.

19. *Enquiries under Section 23.*—(1) An enquiry under Section 23 may be initiated either on an application made by any person conversant with the facts of the case or on information otherwise received by the Custodian.

(2) Such enquiry shall not be held by an officer below the rank of a Deputy Custodian.

(3) An application for an enquiry under sub-rule (1) shall, as nearly as may be, be in the form of a plaint under the Code of Civil Procedure 1908.

(4) On receipt of an application or information as aforesaid, a notice, accompanied by a copy of the application or a summary of the information as the case may be, shall be served on the intending evacuee concerned to show cause why he should not be required to pay the deficiency in the value of the property.

(5) The procedure laid down in the Code of Civil Procedure 1908 for the trial of civil suits shall, as far as possible, be followed in the proceedings subsequent to the service of the notice hereinbefore mentioned.

20. *Procedure for the confirmation of transfers under Section 40*—(1) An application for confirmation under sub-section (2) of section 40 shall contain the following particulars, namely :—

(*a*) Boundaries, Municipal number and location of the property and also Khasra number in case of agricultural land.

(*b*) Particulars of transfer sought to be confirmed including the dates of the transfer and registration, if any, the addresses of the parties and the consideration paid or deferred.

(*c*) Particulars of any previous transfers in respect of the property.

(*d*) The name and address of the person in possession of the property transferred and the capacity in which such person is in possession.

(2) The application shall be verified in the manner prescribed in the Code of Civil Procedure 1908 for verification of pleadings and shall be accompanied by a copy of the transfer deed in question and also a schedule containing the particulars of any other property owned, possessed or transferred by the transferor after 1st March, 1947.

(3) The application shall be presented by the transferor or the transferee personally or by any person claiming under, or lawfully authorised by either of them.

(4) The Custodian shall cause a notice in Form No. 7 be served on the transferor or transferee as the case may be, and may further cause a similar notice to be served on any person whom the Custodian considers to be interested in or likely to be affected by, the result of the application.

(5) A public notice shall also be published in a daily newspaper at the expense of the applicant.

(6) If any application referred to in sub-rule (1) is pending on the date these Rules came into force, the applicant may within thirty days from such date or within such period as the Custodian may by order specify, amend his application so as to bring it in conformity with these Rules and may also make up the deficiency if any, in the Fee leviable on such application :—

Provided that the Custodian on sufficient cause being shown may extend the period prescribed by this sub-rule.

(7) In case the applicant fails to amend the application in accordance with sub-rule (6) the Custodian may dismiss the application or proceed to decide it on the materials before him.

(8) After notices are served in accordance with the provisions of sub-rules (4) and (5) the Custodian shall after a summary enquiry proceed to determine the application.

(9) If a party making an application fails to appear on the date fixed when the case is called for hearing, the Custodian may dismiss the application for default or proceed to decide the application in the absence of the party, on the materials before him.

(10) Where the application is dismissed under sub-rule (9) the applicant shall be precluded from making a fresh application on the same facts with respect to the same property. But the applicant may apply within thirty days from the date the order of dismissal is communicated to him for an order setting aside the dismissal and the Custodian, if he is satisfied that there was sufficient cause for non-appearance when the case was called for hearing shall make an order setting aside the order of dismissal upon such terms, as he thinks fit and shall fix a date for proceeding with the application.

(11) The Custodian shall refuse to confirm any transfer which he has reasonable grounds to believe to be colourable or benami.

21. *Mode of attachment under sub-section* (3) *of section 19.*—(1) Immovable property may be attached by sealing the premises (if necessary) and also by serving a prohibitory order on the person interested not to deal with the property in any manner, whatsoever. A copy of such prohibitory order shall simultaneously be affixed on some conspicuous part of the property in question. In case of agricultural land, attachment shall be effected by serving on the

person interested a prohibitory order as provided above and by proclaiming the fact of attachment by beat of drum in the revenue estate in which such land is situated. Intimation about the attachment may also be sent to the Collector of the District in which the land is situated.

(2) Attachment of movable property capable of immediate physical possession shall be effected by actual seizure of such property. Where, however, the property to be attached does not admit of such possession it may be attached in any manner provided in Order XXI, Rules 44 to 49 of the Code of Civil Procedure 1908 according as the nature of the property may permit. In case of property attached by means of actual seizure, the Custodian may make such order as he thinks just and convenient for its custody. Where, however, the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, he may sell it at once. In such a case, the sale proceeds shall be treated as the property attached.

(3) Where the movable property attached consists of cash or ornaments or other valuables, the Custodian may make such order as he thinks fit for its preservation during the intervening period.

(4) Where, the movable property attached consists of merchandise or stock-in-trade, the Custodian shall without any unreasonable delay, if possible and convenient cause an inventory of the goods attached to be made and also have an estimate made of their approximate value. Where it is not possible or convenient to have an inventory for the goods prepared, the Custodian may only have them evalued. In such cases the Custodian shall make over the goods to the person claiming title thereto or found in possession thereof on his furnishing security for their estimated value.

(5) Where the property to be attached is a business, the Custodian may call upon the person in possession of the business establishment to furnish security for its estimated income for a period of one year or such lesser period as he deems fit and on such person furnishing security shall allow him to continue the business.

In case of the expiration of the period of one year before the conclusion of the enquiry, the Custodian may ask for security for a further period. The business premises may be sealed if the required security is not furnished within the period specified by the Custodian and may be handed over to a caretaker on his furnishing the requisite security.

(6) Notwithstanding anything contained in this Rule no business or residential premises shall be kept under seal for any period beyond that which is strictly necessary.

22. *Claims by third parties.*—(1) Any person claiming the right to receive any payment from any evacuee or from the property of such evacuee, whether in re-payment of any loan advanced or otherwise, may present a petition to the Custodian for registration of his claim. Such application shall be signed and verified by the claimant in the same manner as a plaint is required to be signed and verified under the Code of Civil Procedure 1908.

(2) On receipt of such application the Custodian where he finds the claim to be supported :—

(*a*) by a decree of a competent Court, or

(*b*) by a registered deed executed and registered before 14th August, 1947, or by a registered deed executed and registered after such date but confirmed by the Custodian :

and if he is satisfied that the claim has not been satisfied either wholly or in part, may register the claim or such part thereof as has not yet been satisfied. He may also register a claim proved to have been acknowledged in writing by the evacuee himself before 1st March, 1947, on being satisfied that such claim has not been satisfied. In all other cases he shall direct the claimant to establish his claim in a Civil Court.

(3) The mere registration of a claim shall not entitle the climant to payment and the Custodian may for reasons to be recorded refuse payment.

(4) No debt incurred by the evacuee before the property vested in the Custodian shall be paid without the sanction of the Central Government or Custodian-General.

Explanation.—Nothing in this rule shall debar the Custodian from meeting the day to day expenses incurred in the management of evacuee property and such expenses may be paid without sanction. Sanction of the Central Government or the Custodian-General is also not required to the discharge by the Custodian of the legitimate obligation and liabilities incurred in the ordinary course of business of a trading concern carried on by the Custodian whether such liabilities and obligations are incurred before or after the vesting of the business in the Custodian.

23. *Management of Trust Properties.*—Trust properties may be managed by the Custodian in the same manner as other evacuee property, but in case of public trust of religious or charitable nature, recourse may be had to section 92 of the Code of Civil Procedure 1908, if the circumstances so require.

24. *Leases of Evacuee Property.*—Any evacuee property may be leased out by the Custodian for a period not exceeding the period specified in any general or special directions issued by or under the authority of the Central Government.

25. *Method of payment of amounts due to the Custodian.*—(1) Rents, rates, lease money, sale proceeds and other amounts payable to the Custodian in respect of evacuee property under the Act or under these Rules shall be tendered in cash or by postal money order to the Cashier in the office of the Custodian or to any other person who may be authorised by the Custodian in this behalf to receive such money.

(2) The person receiving the money on behalf of the Custodian shall issue a receipt in Form No. 8. Receipts issued by the person making realisation on behalf of the Custodian on the spot shall, however, be prepared in Form No. 9 by carbon process by using double-sided carbon paper.

(3) Crossed cheques may, at the discretion of the Custodian be accepted. In case of out-station cheques, the amount on account of bank commission should also be added to the amount due to the Custodian. No receipt for any cheque shall be valid discharge of any liability unless the cheque is chased.

26. *Administration and other charges.*—(1) A fee equivalent to 10 per cent of gross realisations made from evacuee property shall be charged as administration charges from the date on which the property is taken over by the Custodian.

Explanation.—This sub-rule applies to part 'C' States only.

(2) A fee equivalent to 10 per cent of gross realisation made from evacuee property shall be charged on account of maintenance and normal repairs from the date on which the property is taken over by the Custodian.

(3) In addition to normal repairs the Custodian may also spend such amounts on special repairs to the property as are sanctioned by the Central Government or the Custodian-General. Such expenditure on special repairs will in the first instance be met out of the income of the property and if there is not sufficient income, it will be debited against the capital value of the property.

27. *Administration charges for movable property.*—(1) When any movable evacuee property is returned under Section 16 or is otherwise released, administration charges equivalent to 10 per cent of the assessed value of the property shall be charged over and above other charges which have been actually incurred on maintenance, repair, transport or storage of the same.

(2) This rule applies to Part C States only.

28. *Manner of service or publication of notice, summons or order.*—Service or publication of any notice, summons or order under the Act or under these Rules shall be effected in one or more of the following modes namely :—

(1) by giving or tendering it to the person concerned or his manager or agent, if any.

(2) by leaving it at the last known place of business of the person concerned or by giving or tendering it to some adult member of the family.

(3) by sending the notice, summons or order by registered post.

(4) by affixing the notice, summons or order on some conspicuous part of the premises concerned or at the last known place of business or residence of the person concerned or by publication in a daily or weekly newspaper or by proclamation by beat of drum in the locality.

29. *Reference to a Civil Court under Section 16.*—The Custodian may refer the applicant to a Civil Court for the determination of his claim and title to the property where there is more than one claimant or where the matter is complicated and it is not in the interests if the parties to have the necessary adjudication in a summary enquiry.

30. *Examination of witnesses.*—The Custodian shall be entitled to issue a commission for recording statement on oath of any person, as provided in Order XXVI of the Code of Civil Procedure.

31. *Appeals, Review and Revisions.*—(1) All appeals under the Act shall, when they lie to the District Judge nominated in this behalf or the Custodian, be filed within thirty days of the date of the order appealed against and when they lie to the Custodian-General, within sixty days of such date.

(2) The petition of appeal shall be presented in person or through a legal practitioner or a recognised agent when the appeal lies to the Custodian or a specially nominated District Judge. Where an appeal lies to the Custodian-General the petition of appeal may be sent by registered post.

(3) Every petition shall state succinctly the grounds on which the order appealed from is attached and shall be accompanied by a copy of such order unless the appellate authority dispenses with such copy.

(4) Except as otherwise expressly provided in the Act or in these Rules, the procedure laid down in Order XLI of the Code of Civil Procedure 1908 shall, so far as applicable, apply to the hearing and disposal of appeals under the Act.

(5) Any petition for revision when made to the Custodian shall ordinarily be filed within thirty days of the order sought to be revised, while a petition for revision when made to the Custodian-General shall ordinarily be made within sixty days of such date. The petition shall be presented in the same manner as a petition of appeal when it is made to the Custodian but it may be sent by registered post when made to the Custodian-General. The petition shall be accompanied by a copy of the order sought to be revised and when made to the Custodian-General by also a copy of the original order unless the Revising authority dispenses with the production of any such copy.

(6) An application for review of any order may be made within thirty days of the date of such order and shall be presented either in person or through a legal practitioner or a recognised agent.

(7) The provisions of Sections 4, 5 and 12 of the Indian Limitation Act of 1908, shall, so far as they are applicable, apply in computing the period of limitation provided in this rule.

(8) A notice of any appeal, revision or review may be given, in addition to the person concerned, to any other person who, in the opinion of the authority hearing the appeal, the revision or the review, may be interested in the same.

(9) Any authority hearing any appeal or an application for revision may admit additional evidence before its final disposal or may remand the case for admission of additional evidence and report or for a fresh decision, as such authority may deem fit.

32. *Fees.*—(1) The following fees shall be payable in respect of petitions, applications and appeals under the Act, except those presented or filed by an officer of the Custodian department or any other public officer as such:—

(*I*) *Appeals*—	
(i) to the Custodian-General	Rs. 20/-
(ii) to the Custodian, Additional Custodian or the specially designated District Judge	Rs. 10/-
(*II*) *Petitions*—	
(i) for revision when made to the Custodian-General	Rs. 10/-
(ii) for revision when made to the Custodian or Additional Custodian	Rs. 5/-
(iii) for review	Rs. 5/-
(*III*) *Applications*—	
(i) Under Section 16 for restoration of property	Rs. 10/-
(ii) Under Section 38 for confirmation of transfer—	
(*a*) Where the consideration for the transfer does not exceed Rs. 1000/-	Rs. 2/-
(*b*) Where the consideration for the transfer exceeds Rs. 1,000/- but does not exceed Rs. 5,000/-	Rs. 5/-
(*c*) Where the consideration for the transfer exceeds Rs. 5,000 but does not exceed Rs. 10,000	Rs. 10/-
(*d*) In all other cases	Rs. 20/-
(*IV*) (*a*) Applications under Section 23 for an intending evacuee being called upon to pay up the deficiency in the consideration paid by him for an evacuee property in Pakistan	Rs. 5/-
(*b*) Application for a copy	Annas 2
(*c*) Application not otherwise provided for but made in connection with proceedings under Sections 7, 16, 19, 22 and 40	
(i) when made to the Custodian-General	Rs. 2/-
(ii) when made to any other officers	Re. 1/-
(iii) applications of a miscellaneous nature not otherwise provided for	Annas 2

(2) No officer authorised to receive any appeal, petition or application shall receive the same unless fee payable under this rule is paid in such manner as the Central Government from time to time determine.

(3) A register shall be maintained in the office of every Custodian showing the fee paid in respect of every petition, application or appeal, and the entries shall be checked and countersigned by the officer by whom the petition, application or appeal, as the case may be, is heard or by such other officer subordinate to him as he may authorise in this behalf.

33. *Basic record of property to be maintained in property section.*—(*a*) All immovable property taken possession of by the Custodian shall be recorded in a Register in Form No. 10. Similar registers shall be maintained with respect to properties of intending Evacuees.

(*b*) All movable property taken possession of by the Custodian shall be recorded in a register in Form No. 11 and a slip in Form No. 12 shall be attached to each article. The Officer entrusted with the custody of such property shall be responsible for its safe custody and for protecting it from loss, damage or deterioration. He shall maintain a suitable record of the property taken into custody with a view to facilitating check at any time of the articles in hand with those shown as such in the Registers. He shall also arrange for periodical physical verification of the articles in hand.

(*c*) The account books, title deeds and other valuables and documents taken possession of by the Custodian shall be noted in the Register of Valuables in Form No. 13 and a slip in Form No. 12 shall be attached to each article.

Explanation :—When any property is disposed of by sale or otherwise the details of disposal shall be entered in the appropriate columns of the relevant registers.

34. *Powers of Managers.*—The manager appointed under sub-section (2) of section 10 shall act under the general supervision and control of the Custodian and may exercise such powers as may be delegated in writing to him by the Custodian from time to time.

35. *Fees for inspection and copies.*—(1) The following fees shall be payable by a person desirous of obtaining any copy from any record maintained under the Act or these Rules :—

(*a*)	Certificate of receipts of the cash or duplicate copy of Challan ..	Re. 1/-
(*b*)	Copy of final original order passed by a Custodian, Challan ..	Rs. 2/-
(*c*)	Copy of final order passed on appeal, revision or review	Rs. 3/-
(*d*)	Copy of any application, objection petition, affidavit, or statement made by a party or a witness	Rs. 3/-
(*e*)	Any other document	Rs. 4/-

(2) Any person interested in any evacuee property may, with the permission of the Custodian, inspect the record relating to such property on payment of a fee of Rs. 2/-. Any person interested in any original case, appeal, revision or review pending before the Custodian-General, or any Custodian may, with the permission of such officer, inspect the record of such case on payment of a similar fee.

(3) Such officer may authorise a person inspecting to take short notes (not verbatim in pencil).

(4) The fees payable under this rule may be paid in a manner as the Central Government may from time to time determine.

36. *Seal.*—The Custodian-General and the Custodian shall have a seal which will bear the words Custodian-General/Custodian of Evacuee Property.

37. *Restitution.*—When any property taken into possession as an evacuee property is subsequently declared by the Custodian or any other competent authority to be a non-evacuee property, the Custodian may, on the application of any party entitled to the actual possession thereof, take such action as will place the parties in the same position in which they were on the date of possession. For this purpose, the Custodian may order the person in occupation of the property to vacate the same and the Custodian may use such force or authorise the use of such forces as may be necessary for the purpose.

38. *Receipts.*—Income and other receipts on account of Evacuee Property fall under the following categories :—

(A) *Immovable Property*

(1) Income from Urban Property ..	(*a*) Lands (*b*) Houses (*c*) Shops (*d*) Factories, workshops and other commercial undertakings. (*e*) Miscellaneous
(2) Income from Rural Property ...	(*a*) Lands (*b*) Houses (*c*) Shops (*d*) Miscellaneous

(B) *Movable Property*

(1) Income from Urban Property ..	(*a*) Identifiable property (i) Sale proceeds (ii) Other receipts. (*b*) Unidentifiable property (i) Sale proceeds (ii) Other receipts.
(2) Income from Rural (including Agricultural) Property.	(*a*) Identifiable Property (i) Sale proceeds. (ii) Other receipts. (*b*) Unidentifiable property (i) Sale proceeds (ii) Other receipts.

(C) *Miscellaneous.*

(1) Evacuee's interest in business concerns (*e.g.,* Dividends on shares, business profits, etc.)

(2) Debt and other payments due to evacuees.

(3) Other receipts.

The head (C) is intended to cover receipts like interest on investment of surplus cash by the Custodian in approved Govt. securities under Section 10 (2) (*p*) of the Act and other receipts which may not be allocated to any other head.

39. *Maintenance of records and registers.*—The following account records and registers shall be maintained by Custodian of Evacuee Property or by Officers authorised to act on their behalf.

(i) An index Register shall be maintained in Form No. 14 in which the names of evacuees shall be entered in alphabetical order. References to the pages of other registers in which the transactions of the evacuee are recorded shall be given on the relevant page of this register.

(ii) A personal account shall be maintained in Form No.15 for each evacuee in a bound register, with an index in an alphabetical order. Sufficient number of pages shall be set apart for each evacuee. The monthly total of receipts

and payments as recorded in the several individual registers shall be posted into the personal account of each evacuee at the end of each month, figures of administration charge and Custodian's fee being posted separately as distinct from totals of other expenditure.

(iii) A receipt and expenditure account of immovable property shall be maintained in Form No. 16 for recording complete details of receipts and payments of all evacuee immovable property other than agricultural land, and it shall also show, the name of the owner, full specifications of property and assessed rent recoverable in respect of each item. Particulars of factories and workshops shall be recorded in a separate register in the same form. A separate account of receipts and expenditure shall be maintained in Form No. 17 in respect of Agricultural property. The entries in the registers shall be attested by the officer checking them.

(iv) Account of receipt and expenditure on account of movable property belonging to each evacuee shall be maintained in Form No. 18. Separate registers shall be maintained in respect of identifiable and unidentifiable property. Disposal of this property by aution, sale or otherwise when made shall be indicated in this register. The results of the verification of ground balances of the articles with the book balances shall be recorded in this register. When the property is sold or leased by public auction the bids shall be recorded in the sales register (Form No. 19), the signature or thumb impression of the last bidder being obtained in column 11 of the form.

Note.—The intermediate bids in respect of property liable to fetch not more than Rs. 100/- may not be recorded in the register.

(v) Account of receipt and expenditure in respect of debts or claims due to evacuees shall be maintained in Form No. 20.

(vi) A rent demand and collection register for immovable property (other than Agricultural) shall be maintained in Form No. 21 for showing the rent assessed on immovable property let out on rent and the amount of rent actually realised.

(vii) A miscellaneous demand and collection register shall be maintained in Form No. 22 for recording recovery of amounts other than those recorded in the Rent Demand and Collection Register.

(viii) Income arising from the interest of evacuees in business concerns, *e.g.*, Shares in business profits, shall be accounted for in a register in Form No. 23.

(ix) In respect of agricultural land a register of demand and collection shall be maintained in Form No. 24. Demand in respect of all items brought on to the property register for agricultural land shall be recorded in this register, the name of evacuee owner, the allottee and the monthly rent fixed for each item of property shall also be shown therein. Demands, which will be collected by issue of rent bills and the realisations effected, shall be noted in the columns provided for the purpose.

(x) The Demand and Collection registers shall be reviewed and closed at the end of each year and the outstanding balances shall be struck and carried forward to the registers of the succeeding year. A certificate to the effect that all recoverable demands of the year have been noted in the registers and that the balances have been correctly carried forward to the succeeding year's registers shall be recorded at the end of each register by a responsible officer.

(xi) A statement showing demands to the end of the previous month, recoveries made during the current month and the outstanding balances shall be forwarded to the Ministry of Rehabilitation, Government of India, through the Custodian-General not later than the 15th day of the succeeding month and

causes of arrears if any and steps taken to clear them shall be explained in the statement.

(xii) A cash book in Form No. 25 shall be maintained to show all transactions of receipts and payments relating exclusively to evacuee property. Amounts received or paid on account of evacuee property shall be entered in the cash book on the dates on which they are received or paid. The cash book shall be closed daily and the entries therein shall be checked and initialled daily by the Custodian or an authorized Gazetted Officer. Cash in hand shall be deposited promptly into the Treasury. The cash in hand shall be verified at the end of each month by the Custodian or by any other Gazetted officer nominated by him for the purpose and he shall record a signed and dated certificate to this effect in the cash book. In addition, surprise checks shall be made frequently at irregular intervals. The balance in the treasury column of the cash book, at the end of each month, shall be reconciled with the balance shown in the Treasury pass book.

40. All receipts relating to evacuee property shall, as a general rule, be credited into the Treasury to a Personal Deposit account opened in the name of the Custodian of Evacuee Property or other officer authorized by Government in this behalf. This deposit account shall be designated "Deposits of Custodians of Evacuee Property" and shall be opened under Section "P—Deposits and Advances— Civil Deposits Personal Deposits" in the Central Section of the accounts. The total of the ledger balance as extracted in Form No. 28 shall be reconciled with the total of the balance in the cash and treasury columns of the cash book. If there is any difference it shall be investigated and reconciled. (See also note to rule 45.)

As an exception to the above rule, sale proceeds and other receipts of unidentified evacuee movable property shall not be credited to the Personal Deposit Account of the Custodian of Evacuee Property, but shall be deposited after deducting administration charges and Custodian's fee into the Treasury in favour of the Deputy Accountant-General. Food and Rehabilitation, Delhi, for credit under a distinct Suspense head "Sale proceeds of unidentified evacuee movable property" subordinate to Section P—Deposits and Advances, Part IV Suspense. When such receipts are deposited into the treasury, they shall be shown as creditable to the Deputy Accountant-General, Food and Rehabilitation, New Delhi, to whom a copy of the Treasury Challan (marked original) shall be forwarded in advance to enable him to watch the credits.

41. *Payments.*—Where repairs, etc., to Evacuee Property are carried out by the Public Works Department, the Executive Engineer concerned shall send a schedule in Form No. 26 showing the charges incurred by him on such repairs, etc. These charges shall be debited to the account of the property of the Evacuee owner concerned. Where, however, the allottees in occupation of evacuee property are permitted by the Custodian to carry out minor repairs and to set off the amount of expenditure actually incurred against the rent due, the gross aomunt of the rent shall be entered in the relevant Demand and Collection Register while the cost of repairs shall be noted in the appropriate column in the account of the property of the evacuee concerned.

42. *Municipal and other taxes paid in respect of evacuee property shall be debited to the account of the property of the evacuee concerned.*

43. *Payment by Custodian.*—(1) No payment shall be made except after the payee has presented his claim and the Custodian or an officer duly authorised by him in this behalf, after checking the same, has passed order of payment thereon.

(2) All payments shall ordinarily be made by cheque, crossed cheque as far as possible, signed by the Custodian or any person authorised by him in

writing in this behalf, provided that if the amount involved does not exceed Rs. 50 the payment may be made in cash.

Note 1.—Cheque Books shall remain in the custody of the Custodians or any other officer who may be authorised by him in writing.

Note 2.—No cheque shall be drawn unless it is required for immediate delivery to the person to whom money is to be paid.

Note 3.—The bills shall be numbered serially for each month and shall after payment be stamped as under:—

Paid *vide* cheque No. . . . . Dated . . . . . in cash.

(Sd.) Accountant
Cashier.

Note 4.—The bill shall, after payment, be filed and kept on record for audit.

44. At the close of each month, figures for the administration charges and Custodian's fee debited to the Personal Ledger Account of the evacuee [*vide* rule 39 (ii)] shall be consolidated in Form No. 27. The monthly totals of gross realisations and "administration charges and Custodian's fee" as worked out in this register shall be reconciled with the corresponding figures in the classified Abstract Form No. 29. A cheque for the total amount of "administrative charge and Custodian's fee" for the month shall be drawn by the Custodian against his Personal Deposit Account which will be paid by the Treasury by transfer credit to the head "XLVI—Miscellaneous—Miscellaneous" 'Central' or 'State' according as the Custodian is a Central or State Government officer.

45. The total monthly debits and credits in each ledger account shall be entered in a register in Form No. 28, any difference between the total credits and debits as per this register shall be agreed with the difference of total receipts and payments posted in the classified abstract in respect of the deposit head.

Note.—A certificate that the balances in the Personal Ledger account of the evacuees have been reconciled with the cash in hand *plus* the amount shown in the treasury column of the cash book (*vide* rule 40) and with the classified abstract (as provided above) shall be submitted by the end of month following that to which the accounts relate, to the Ministry of Rehabilitation, Government of India, through the Custodian-General.

46. Each Custodian of Evacuee Property shall compile monthly a classified abstract in Form No. 29 and work out the progressive totals for the whole year in a consolidated abstract in Form No. 30. A copy of the Classified Abstract for the month shall be sent to the local Accountant-General by the end of next succeeding month.

47. Each Custodian of Evacuee Property shall forward to the local Accountant-General, within two months after the close of each half-year ending June and December a statement in Form No. 31 showing receipts credited and expenditure debited to his Personal Deposit Account in the treasury during the half-year. This statement, of which five copies shall be prepared, shall be accompanied by an abstract, in duplicate, showing credits into and payment from each treasury during each month of the half-year supported by Treasury officer's acceptance of the receipts into and payments from the treasury. The total of this abstract should tally with the net total of receipts and payments shown in the half-yearly statement, and if there is any difference, it should be explained in detail.

Note.—The statement for the present will be prepared in two parts (i) for "agreed" areas and (ii) for the "non-agreed" areas.

(48) If a form different from that prescribed in these rules is used, the prior approval of the audit officer who is responsible for the local audit of the accounts shall be obtained.

42

FORM No. 1

[*See* Rule 6 (1)]

OFFICE OF THE CUSTODIAN OF EVACUEE PROPERTY
NOTICE

Dated 19

To

Shri.....

.....

.....

WHEREAS there is credible information in possession of the Custodian that you are an evacuee under clause (iii) of Section 2 (d) of the Administration of Evacuee Property Act on account of the grounds mentioned below;

AND WHEREAS it is desirable to hear you in person;

NOW, THEREFORE, you are hereby called upon to show cause (with all material evidence on which you wish to rely) why orders should not be passed declaring you an evacuee and all your property as evacuee property under the provisions of the said Act.

The hearing of your case is fixed before the undersigned in Room No..... on.....19 at.....

Grounds :—Acquisition of any right to, iterest in or benefit from any evacuee or abandoned property in Pakistan, otherwise than by way of purchase or exchange.

Deputy
.....Custodian.
Assistant

FORM No. 2

[*See* Rule 7 (2)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY
NOTIFICATION

Dated 19

In pursuance of sub-section (3) of Section 7 of the Administration of Evacuee Property Act, 1950 the Custodian for the State of is pleased to notify for general information the list of the evacuee properties specified in the schedule annexed hereto, which have vested in him.

SCHEDULE

Serial No.	Description	Locality

Custodian of Evacuees' Property.

FORM No. 3

43

[*See* Rule 8(1)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

Notice under sub-section (4) of Section 8 of the Administration of Evacuee Property Act, 1950.

WHEREAS the undermentioned property has vested in the Custodian under Section 8 of the Administration of Evacuee Property Act, 1950, I hereby demand that the possession of the said property be surrendered by you to me or to authorised by me, by failing which you will be evicted from the undermentioned premises, with such force as may be necessary for the purpose.

Serial No.	Description	Locality

Custodian of Evacuees' Property.

Dated :

To

.....

.....

FORM No. 4

[*See* Rule 9(1)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY
WARRANT OF EVICTION

Warrant of Eviction under Section 9 of the Administration of Evacuee Property Act, 1950.

WHEREAS a notice in writing, dated in which a demand to surrender the possession of undermentioned property was made to

AND WHEREAS he has refused or failed to vacate the said property.

NOW, THEREFORE, in exercise of the powers vested in me by Section 9 of the said Act, I hereby order that be evicted forthwith from the said property and the same be taken into possession. I also order the use of such force as may be necessary for the purpose of eviction and for taking the property into possession.

Given under my hand and the seal this day of 195 .

Custodian of Evacuees' Property.

Serial No.	Description	Locality

44

THE FORM OF THE BOND

FORM No. 5

[*See* Rule 11]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

KNOW ALL MEN BY THESE PRESENTS that we (Superdar) and (Surety) do hereby bind ourselves and each of us, our and each of our heirs, executors and administrators to pay to the President of India on demand the sum of Rs. Dated this day of , 195 .

WHEREAS the above bounden (Superdar) has been entrusted by the Custodian of Evacuee Property hereinafter called 'Custodian', with the custody of the property mentioned in the Schedule hereunder written;

Now the condition of the above written bond is such that if the above bounden (Superdar) shall duly hand over to the Custodian whenever demanded by him, the property, mentioned in the Schedule hereunder written in good order and condition and shall duly account for any loss which the owner of the property may suffer by reason of any default or neglect on his part and shall, until delivery to the Custodian as aforesaid property maintain and take care of the said property and shall obey all orders of the Custodian in respect thereof then and in such case the above written obligation shall be void and of no effect; othrwise it shall be and remain in full force and virtue.

The Schedule above referred to
Signed and delivered by the above-bounden
(Superdar) in the presence of
Signed and delivered by the above-bounden
(Surety) in the presence of
Two witnesses

FORM No. 6

[*See* Rule 13]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

Dated 195 .

INVENTORY

List of properties recovered on from the House, Factory/Chop/Garden of at
No. Mohalla
City.

Serial No.	Name of Properties	Description

Witnesses.

(1)
(2)

Signature of official
Recovering the property
Counter signature of Assistant
Deputy Custodian.

FORM No. 7

45

[*See* Rule 20 (4)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

To

.....

.....

WHEREAS the transfer/transferee

has presented an application

dated to the Custodian for confirmation of the transfer as specified below

You are hereby required to be presented on

at in the office of the Custodian.

You may also bring any papers in your possession relevant to the inquiry.

Custodian of Evacuees' Property.

PARTICULARS OF TRANSFER

FORM No. 8

[*See* Rule 25 (2)]

CUSTODIAN OF EVACUEES' PROPERTY

Dated.....195

Book No..... Receipt No.....Place.....

Received from.....

.....

.....

Rs.....Rupees.....

.....

on account of.....

.....

.....

Signature of Cashier/Official granting receipt.

FORM No. 8

[*See* Rule 25 (2)]

CUSTODIAN OF EVACUEES' PROPERTY

RECEIPT FOR PAYMENTS TO GOVERNMENT

Dated.....195

Book No..... Receipt No.....Place.....

Received from.....

.....

.....

Rs.....Rupees.....

.....

on account of.....

.....

.....

Signature of Cashier/Official granting receipt.

FORM No. 9

[*See* Rule 25(2)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

Book No. Receipt No. Place

Dated

Received from

Rs. (Rupees

in cash/by cheque on account of rent/licence fee/lease money in respect of for

@ Rs.

Previous Receipt No.

Signature

Designation

48

FORM No. 10.

[*See* Rule 33 (*a*)]

Register of immovable Property.

Sl. No.	Locality	Municipal House No.	Ration House No.	Designation of property by name, if any, and by type of building for instance residential bungalow, shop, Cinema, Theatre, Mosque, Factory, etc.	Name and address of owner	Accommodation available, No. and size of rooms, store rooms, verandah, kitchen, bathroom, courtyard, etc.	Present condition of the building
1	2	3	4	5	6	7	8

Site rent, if any, payable by owner of the building	Class of accommodation	Whether Electricity or Water laid on	Present occupant (Name and Father's name or Head of Family)	Local or refugee; if refugee, occupation report filed or not, if filed, its No. and date of refugee Registration Certificate	Province of origin Western Pakistan	Authority of occupation, if any (allotment or confirmation letter with No. and date)
9	10	11	12	13	14	15

Date of occupation 16	No. of his family members and their Ration Cards Nos. Their names, ages and relationship to the head 17	Description of present occupation, *i.e.*, Business, Service or other avocation 18	His income from immovable property before he left Pakistan 19	Name of F. I. who surveyed 20	Name of officer who checked 21

No. and Date of tenancy deed executed 22	Municipal Assessment 23	Assessed rent (per mensem) 24	Restoration		Remarks 27
			Date of application 25	Restored on 26	

FORM No. 11

[*See* Rule 33 (*b*)]

Register of Inventories of Movable property of.....

Address.....

Locality.....

Value as per report of Deputy Custodian			Condition in which taken over	Initials	Reference to order, if restored or lent on hire or otherwise	Reference to S. No. in the sale list	Sale Proceeds Received					Initials	RE-MARKS
							No. and date of chellan	No. and date of receipt	Amount				
Rs.	As.	Ps.							Rs.	As.	Ps.		

FORM No. 12.

[*See* Rule 33 (*b*)]

MALKHANA LABELS.

Name of estate.....

Date of possession.....

Serial No. Register of Valuables.....

.....

FORM No. 13.

[*See* Rule 33 (*c*).]

Register of valuables.

Serial No.		
Name of estate		
Reference to	Index Register	
	Register of movable property	
Full particulars of property		
Date of possession		
Initial of the incharge		
Date of disposal		
How disposed of (in case of sale, quote No. and date of receipt).		
Initials of incharge		
REMARKS		

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FORM No. 14.

[*See* Rule 39 (*i*)]

Index Register.

1. Serial No.

2. Name and father's name of evacuee with address before evacuation.

3. Firm's name, if any.

4. Name of register. ***Reference to page thereof :—

   (*a*) Register of movable property.

   (*b*) Register of immovable property.

   (*c*) Register of debts or claim due to evacuee.

   (*d*) Register of Agricultural property.

   (*e*) Ledger.

5. Dates on which property restored or disposed of.

6. Remarks.

FORM No. 15.

[*See* Rule 39 (ii)]

Ledger Account of the Estate of.....*Evacuee.*

Address

Immovable Property Register No.	Agricultural Property. Register No.	Page No.	Movable Property. Register No.	Page No.	Debts or claims due to Evacuee. Register No.	Page No.
1	1		1			
2	2		2			
3			3			
4			4			
5			5			
6			6			

Month	Particulars of Transactions	CREDIT Register		Amount	Progressive Total	Initials	Remarks	DEBITS Register		Amount	Progressive Total	Balance	Initials	Remarks
		No.	Page					No.	Page					
1	2	3		4	5	6	7	8		9	10	11	12	13

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FORM No. 16.

[*See* Rule 39 (iii)]

Receipts and payments on account of Immovable Property (other than Agricultural Property).

1. Ward No.
2. Name of street/lane.
3. Municipal No. of House/Business Premises/Factory.
4. Name of owner with parentage and address.
5. Name of occupant with parentage.
6. Date of occupation.
7. Assessed Rent; Licence Fee.
8. House Tax/Water charges, if recoverable.

RECEIPTS							PAYMENTS												REMARKS
							Nature of Expenditure										Progressive Total		
Serial No.	No. and date of Chellan Receipt	Brief particulars and period	Amount	Progressive Total Rs.	Initials	Remarks	Date of payment	No. of Vouchers and Date	House Tax	Water Tax	Repairs	(a) Ordinary repairs	(b) Special repairs	Miscellaneous	Administrative charges and Custodian's fee.	Total Rs.		Initials	
1	2	3	4		5	6	7	8	9	10	11			12	13	14	15	16	

Form No. 17.

[*See* Rule 39 (iii)]

Receipts and payments account of Immovable property (Agricultural).

1. Reference to page No. of basic record—Register of Immovable Property.
2. Name of village, Tehsil and District.
3. Khasra No./other particulars of property.
4. Name of owner with parentage and address.
5. Name and parentage of persons other than the owner, if any, interested in the property.
6. Interest of Evacuee in the property.
7. Name of occupant with parentage and address.
8. Date of occupation.
9. Assessed rent.
10. Period for which rent at item 8 above is assessed.
11. Share of evacuee in the rent.
12. Reference to serial number and page of basic record of Property Register.

RECEIPTS							Payments Nature of Expenditure									
Serial No.	No. and date of Chellan/ Receipt.	Brief particulars and period	Amount	Progressive total	Initials	Remarks	Date of payment	No. of voucher	Taxes on property	Land Revenue including cess	Lambardari fee	Total	Progressive total	Initials	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

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FORM No. 18.

[*See* Rule 39 (iv)]

Receipts and payments account of movable property

Reference to page No. of Basic Record-Register of movable property.

Name.

Address.

Sale proceeds									Expenditure							Date of verification of balance and remarks, if any
Month	Serial No.	Description of property	No. of articles	Ref. to Sl. No. in the sales list	No. and date of Chellan	Amount	Initials	Remarks	No. and date of Voucher	Particulars of payments	To whom paid	Amount	Administrative charges and Custodian's fee	Total (Cols. 13 and 14)	Initials	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

56 92

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FORM No. 19.

[*See* Rule 39 (iv)]

Sale list of property sold by the Custodian of.....

Serial No.	1	
Date of Sale	2	
Particulars of property	3	
Number of articles, if any	4	
Name of Estate	5	
Reference to page No. of property register	6	
Amount for which sold	7	
Amount recovered at the time of sale	8	
Balance left due	9	
Names of bidders and the amount of bids.	10	1 2 3 4 5 6
Thumb impression or signature of purchaser, *i.e.*, HIGHEST BIDDER.	11	
No. and date of receipt issued	12	
Remarks	13	

FORM No. 20.

[*See* Rule 39 (v)]

Receipt and expenditure account of debts and claim due to.....

Reference to basic Record-Register of debts and claims due to evacuees.....

1	2	3	4	5	6	7				8			9			10	11
						Amount of debt or claims				Amount received			Expenditure				
						Secured		Unsecured									
Month	Serial No.	Debtor's name with address	Nature of claim	Amount of debt or claim	Reference to order determining the debts or claim	Principal	Interest	Principal	Interest	Date of auction	No. and date of receipt	Amount	Adm. charges and Custodian's fees	Other expenditure	Total	If restored to the evacuee, date and reference to order of restoration.	Remarks

FORM No. 21.

[*See* Rule 39 (vi)]

Rent, Demand and Collection Register of Immovable Property (other than Agricultural)

Ward No.

Name of Mohalla

Serial No.	House or shop No.	Name, parentage and address of owner	Name and other particulars of tenants	Particulars of property	Date of occupation	Authority	Monthly rent	Arrears up to 31-3-1949	Initials of rent officer or any Govt. Servant authorised by the Custodian.	April				May				June				July				August			
1	2	3	4	5	6	7	8	9	10	11				12				13				14				15			
										Rent assessed*	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance
										a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d

*Amount assessed means amount due for the current month *plus* all arrears outstanding to end of the previous month.

FORM No. 21—*contd.*

September 16				October 17				November 18				December 19				January 20				February 21				March 22				Amount written off 23		Balance Column 21 (d) *minus* 22 (b)] 24	Remarks 25
Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Reference to Order	Amount		
a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d	a	b		

FORM No. 22

[*See* Rule 39 (vii)]

MISCELLANEOUS DEMAND AND COLLECTION REGISTER

1. Serial No.
2. Name and address of person by whom the demand is payable.
3. Name of owner. Particulars of the owner.
4. Nature of demand and instalments.
5. Reference to order, if any.
6. Arrears.
7. Current demand
8. Total.

DEMAND.

9. Signature of the Assistant Custodian.
10. Number and date of receipt.
11. Amount.

Amount realised.

12. Balance carried over to next year's register.
13. Initials.
14. Remarks.

NOTE.—Monthly columns may be provided where necessary to suit local conditions.

FORM No. 23

[*See* Rule 39 (viii)]

Receipts and Payments Account of Evacuee's Interest in Business, Companies, etc.

1	2	3	4				5		6	7	8		9	10
S. No.	Name & parentage of evacuee	Name of business, company, etc., with address of head office in which evacuee has interests	Particulars and extent of interest on the evacuee in the business				Particulars of income or dividend, etc., due		Deductions	Net Amount realisable	Amount realised		Personal Ledger A/cs.	Remarks
			Particulars & extent of interest	No. & date of shares, etc.	Amount invested	Paid up value of shares	Period	Amount	Income-tax, etc.		No. & date of Custodian's receipt	Amount	Folio No.	

FORM No. 24.

[*See* Rule 39(ix)]

Demand and Collection Register for Agricultural Property.

S. No.	Sl. No. in the property register	Locality and description of property	Name and parentage of evacuee owner	Name, parentage and orgl. home address of the present allottee or person by whom demand is payable	Date of occupation and authority for occupation	Assessed rent or nature of demand		INITIAL		Realisations S. No. and date of receipt amount	Balance carried over to next year's register	Remarks
						Period of demand	Arrears	Current demand	Ref. No. and date of demand Bill			
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM No. 25

[*See* Rule 39 (xii)]

Cash Book for the month.....195 .

Dr. Receipts												Payments Cr.													
Date	Sl. No.	Sector or section	Receipt No.	On what account and from whom received	Cash in						Remarks	Date	Sl. No.	Sector or section	Vr. No.	On what account and to whom paid	Amount paid at treasury						Remarks
					Hand			Treasury									in cash			Cheque amount			
1	2	3	4	5	6						7	8	9	10	11	12	13						14
					Rs.	a.	p.	Rs.	a.	p.							Rs.	a.	p.	Rs.	a.	p.	

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FORM No. 26

(*See* Rule 41)

Schedule of Repairs to Evacuee Property for the Month of.....

Sl. No.	Description and location of property with name of evacuee owner	Nature of work done by P. W. D. or departmentally	No. and date of letter conveying administrative approval	Amount sanctioned	Amount Spent	Remarks
1	2	3	4	5	6	7
			Total ...			

Compared with the relevant Schedule of work expenditure.

Divisional Acctt.

FORM No. 27

(*See* Rule 44)

Register showing Gross Collections and 10% Deduction.

S. No.	Ledger Folio of personal ledger account of the evacuee	Month gross collections	10% charge for collection	Total
1	2	3	4	5

FORM No. 28

(*See* Rules 40 and 45)

Summary of Monthly Balances in the Personal Account

S. No.	Name of Evacuee with parentage	Ledger Folio	April		May		June		July		August		Sept.		Oct.		Nov.		Dec.		Jan.		Feb.		March	
			Bal.	Dr.	Cr.	Bal. Dr.	Cr.	Bal. Dr.	Cr.	Bal. Dr.	Cr.	Bal. Dr.	Cr.	Bal. Dr.	Cr.	Bal. Dr.	Dr.	Cr.	Cr.	Dr.	Dr.	Cr.	Dr.	Cr.	Dr.	Cr.
1	2	3	4(a)	4(b)	5 (a)	5 (a)	6 (a)	6 (b)	7 (a)	7 (b)	8 (a)	8 (b)	9 (a)	9 (b)	10 (a)	10 (b)	11 (a)	11 (b)	12 (a)	12 (b)	13 (a)	13 (b)	14 (a)	14 (b)	15 (a)	15 (b)

FORM No. 29

(*See* Rule No. 46.)

Classified abstract for the month of.....

RECEIPTS

	P—Deposits and advances etc. Civil—Deposits-Personal Deposits-Deposits of the Custodians of Evacuee Property																					Creditable to D. A. G. (F & R)							
	Income from Immovable property												Income from Identifiable movable property			Miscellaneous income						Income from unidentifiable movable property							
	Urban							Rural (Agricultural)																					
Name of District	Lands	Houses	Shops	Factories, workshops and other commercial undertakings	Miscellaneous	Total—A	Lands	Houses	Shops	Miscellaneous	Total—B	Sale proceeds	Other receipts	Total—C	Evacuee interest in Business concerns, etc.	Debt and other claims	Other receipts	Total—D	Total receipts (A, B + C, D)	Opening balance	Grand total F (C is 20 to 21)	Sale proceeds	Other receipts	Total receipts	*Deduct Expenditure*	Administrative charges and Custodian's fee	Other expenditure	Total expenditure	Net-creditable to D. A. G. (F & R) C.I. (3-6)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	1	2	3		4	5	6	7

FORM No. 29—*contd.*

(*See* Rule 46)

Classified Abstract for the month of..... .....

PAYMENTS

P—Deposits & Advances etc.—Civil Deposits—Personal Deposits of Custodian of Evacuee Property

	Expenditure on immovable property											Expenditure on movable property identifiable	Expenditure on Miscellaneous items of income						
	Urban						Rural (Agricultural)												
Name of District.	Taxes	Repairs	(a) Ordinary	(b) Special	Miscellaneous	Total—A.	Taxes	Land Revennes (including cess).	Lambadari fee	Miscellaneous	Total—B.		Interest in Business concerns	Debits and other claims	Other receipts	Total—C.	Total Expenditure (A, B, C).	Closing balance.	Grand Total (Cols. 15 & 16).
1	2	3			4		5	6	7	8	9	10	11	12	13	14	15	16	17

FORM No. 30

(*See* Rule 46.)

Consolidated abstract Receipts/Payments for the year .....

1 Head of Account	2(a) April	2(b) May Total	June		Progressive Total	Total	Progressive Total	Total	Progressive Total	Total	Progressiv Total
			Progressive Total	Total							

NOTE.—To be maintained in manuscript.

45 69

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FORM No. 31

(*See* Rule 47).

Statement showing collection of rent, etc. of the evacuees' property for the half year ending.....

Name of District.....State.....Agreed/Non-agreed Area.....

1 Sr. No.	2 Name and parentage of evacuee	3 Personal Ledger Folio	4 Particulars of property	5 Present address of Evacuee (if known)	6 Location of property	7 Rent collection & other Income	8 Expenditure	9 Net amount payable to the Evacuee	10 Remarks

Note.—1. Separate statements for each District and (11) agreed and non-agreed areas should be prepared.

2. Entries relating to each village, town etc., may be grouped together as far as possible.

3. Amounts on each page should be totalled and signed by the Custodian.

[No. II (175)/50-I.D.C.]

V. D. DANTYAGI, Joint Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

(HOME DEPARTMENT).

No. H. B. 9143—Ptl. 21-50-2, Bangalore, dated 2nd January 1951.

Ordered that the accompanying two notifications Nos. 6/40—(I)/50—F. I. (A) and (B) dated the 26th December 1950 with their annexure from the Government of India, Ministry of Home Affairs, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

K. SRINIVASAN,
Chief Secretary to Government.

Copy of Notification No. 6/40—(I)/50—F. I. (A) dated 26th December 1950, from the Government of India, Ministry of Home Affairs.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Registration of Foreigners (Exemption) Order, 1949, namely :—

In clause (i) of paragraph 3 of the said Order.....

After the words "any person of Asiatic birth", the words "other than a Tibetan subject" shall be inserted.

Copy of Notification No. 6/40—(I)/50. F. I. (B), dated 26th December 1950 from the Government of India, Ministry of Home Affairs.

In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (XXXI of 1946) and Section 3 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to direct that any foreigner of Tibetan nationality, who enters India hereafter shall.....

(*a*) at the time of his entry into India obtain from the Officer-in-charge of the Police post at the Indo-Tibetan frontier, a permit in the form specified in the annexed schedule;

(*b*) comply with such instructions as may be prescribed in the said permit; and

(c) get himself registered as a foreigner and obtain a certificate of registration.

SCHEDULE.

PERMIT.

Serial No.

Mr.....son of..... a foreigner of Tibetan nationality whose description* is given below having arrived in India from Tibet *via*.....is hereby permitted to stay in India for a period of .....months from the date hereof and to travel to the places** mentioned below. If he/she does not leave India before..... he/she will, unless he/she has obtained the permission of the Central Government

to remain for a longer period be liable to prosecution for a contravention of the provisions of the Foreigners Act, 1946, punishable with imprisonment for a period of five years and with fine and will also be liable to expulsion from India. Application for an extension of this permit should be made at least fifteen days before..... and must be addressed to the Central Government through the State Government.

2. This permit must be produced on demand of any Registration Officer, Magistrate or Police Officer not below the rank of head constable.

3. This permit must be surrendered to the Officer-in-charge of the Police post at the place of departure from India.

4. The contents of this permit have been explained to the holder thereof.

(Seal) Signature of issuing authority.

*1. Description of holder
(a) Age.
(b) Sex.
(c) Height.
(d) Colour of eyes.
(e) Occupation.

**2. Places permitted to visit (*vide* para. 2).

NOTIFICATION.

(HOME DEPARTMENT).

No. H.B. 9324—Ptl. 25-50-9, Bangalore, dated 5th January 1951.

Ordered that the accompanying Notification of the Government of India issued in the Ministry of External Affairs No. 454—AWT, dated the 11th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

K. SRINIVASAN,
Chief Secretary to Government.

MINISTRY OF EXTERNAL AFFAIRS.

New Delhi, the 11th December 1950.

No. 454—AWT. In exercise of the powers conferred by sub-section (1) of section 213 of the Indian Merchant Shipping Act, 1923, (XXI of 1923), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Pilgrim Ships Rules, 1933, the same having been previously published as required by sub-section (3) of the said section, namely :—

In the said Rules—

(1) in sub-rule (1) of rule 124, for the words "the Central Government"; the words "the Government of the State concerned" shall be substituted.

(2) In sub-rule (1) of rule 125, for the words "the Central Government", the words "the Government of the State concerned" shall be substituted.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 10260—C.M. 34-50-14, Bangalore dated, the 6th January 1951.

In exercise of the powers conferred by section 8 of the Mysore Amusements Tax Act, 1932 (Mysore Act VIII of 1932), His Highness the Maharaja of Mysore is pleased to exempt from liability to the entertainments tax, the benefit performance of a Drama and Dance at Sir K. P. Puttanna Chetty Town Hall, Bangalore, on the 8th January, 1951, by the General and Revenue Secretariat Club, in aid of the Centenary Celebrations of the Maharaja's College, Mysore.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Local Self-Government Department.

No. W. 2140, Bangalore dated the 29th December 1950.

In exercise of the powers conferred by Sub-Clause (1) of Clause 2 of the Mysore House Rent and Accommodation Control Order, 1948, and in supersession of Notification No. W. 444, dated the 13th June 1950, conferring on Janab M. A. Kareem, B.A., Personal Assistant to the Deputy Commissioner, Mysore, the powers of the Controller in respect of all classes of cases under the said order except those under Clause 3 in respect of Mysore City, His Highness the Maharaja of Mysore is pleased to confer on Sri N. Siddiah, B.Sc., Personal Assistant to the Deputy Commissioner, Mysore, the powers of the Controller in respect of all classes of cases under the said order except those under Clause 3 arising in Lashkar, Mandi, Nazarbad and Nârasimharaja Mohallas of the Mysore City.

By Order of His Highness the Maharaja.

No. W. 2165, Bangalore, dated the 5th January 1951.

Under sub-clause (3) of Clause 1 of the Mysore House Rent and Accommodation Control Order, 1948, His Highness the Maharaja of Mysore is pleased to direct that the provisions of the said Order shall extend to Sidlaghatta Town in Kolar District with effect from the 15th day of January 1951.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

No. C. 1213—Co. 23-49-75, Bangalore, dated the 6th January 1951.

In exercise of the powers conferred by Section 3 and clause (*a*) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Notification No. C. 3130—Co. dated the 3rd October 1949 namely:—

In the schedule annexed to the said notification,

(1) To the entries under the heading "May and Baker (India) Ltd", the following entries shall be added, namely:—

	Rs.	a.	p.
DISTAQUAINE 'G'			
Boxes of 5 × 0·30 m.u.	10	11	0
DISTAQUAINE Fortified.			
5×0·40 mega unit	13	2	0

(2) To the entries under the heading "British Drug Houses (India) Ltd", the following entries shall be added, namely:—

	Rs.	a.	p.
DISTAQUAINE G (Procaine Penicillin Aqueous).			
3 dose vials of 900,000 i.u. each	5	6	0
Vials of 3,000,000 i.u. each	15	0	0
DISTAQUAINE FORTE.			
Vials containing 300,000 i.u., Procaine Penicillin and 100,000 i.u., Potassium Penicillin each ...	3	8	0
PENICILLIN CRYSTALLINE G.			
Vials of 200,000 i.u. each	1	2	0

(3) To the entries under the heading "Imperial Chemical Industries (India) Ltd", the following entry shall be added, namely:—

PALUDRINE HYDROCHLORIDE.	Rs.	a.	p.
0·1 gm. 1 tablet	0	0	6

(4) To the entries under the heading "Burroughs Wellcome and Co., the following entries shall be added, namely:—

CRYSTALLINE PENICILLIN G (Sodium Salt).	Rs.	a.	p.
1 lac units per vial	0	15	0
2 lac units per vial	1	14	0
5 lac units per vial	2	2	0
10 lac units per vial	4	0	0

'DISTAQUAINE' G, CRYSTALLINE PENICILLIN G (Potassium Salt), for Intramuscular injection in Aqueous Suspension.			
3 lac units per vial	2	5	0
9 lac units per vial	5	8	0

(5) To the entries under the heading "Martin & Harris Ltd., Bombay" the following entries shall be added, namely:—

"MESSRS. N. V. ORGANON, HOLLAND"

INSULIN (Organon).	Rs.	a.	p.
10 cc×200 units (20 units per cc) each ...	3	0	0
5 cc×200 units (40 units per cc) each ...	3	0	0
10 cc×400 units (40 units per cc) each ...	5	8	0
Hospital packing 50×10 cc×40 units per pack of 50 vials	245	0	0

"MESSRS. WILLIAM R. WARNER & Co., NEW YORK."

GELU—CILLIN (Buffered Crystalline Potassium Penicillin).	Rs.	a.	p.
12×50,000 units each	7	4	0
12×100,000 units each	14	0	0
Hemosules Capsules 48's	13	15	0
Therta-vita Capsule 30's	19	14	0
Omni-beta 4 oz.	10	5	0
Omni-beta 8 oz.	19	6	0

(6) The following heading and entries shall be added, namely.—

MESSRS. JUGGAT SINGH'S SON & BRO. BOMBAY.
"PHYSICIAN'S PRODUCTS"

Penicillin Tablets:—	Rs.	a.	p.
Box of 12×50,000 units	6	14	0
Box of 12×100,000 units	12	8	0
Streptomycin	5	4	0

(7) The following heading and entries shall be added, namely:—

PRASAD & STEPHENS (INDIA) LTD., BOMBAY.
"DENTSCHE NOVOCILLIN GESELLSCHAFT.
WEST GERMANY".

	Rs. a. p.
Streptomycin Dihydrosulphate—	
1 gm. vial	4 15 0
Pasicillin (Procaine Penicillin G)—	
300,000 units per vial	2 15 3
Pasicillin B (Procaine Penicillin G Fortified)—	
400,000 units per vial	3 9 0

By Order of His Highness the Maharaja.

No. C. 1227—Co. 23-49-77, Bangalore, dated the 6—8th January 1951.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the schedule to notification No. C. 3130—Co., dated the 3rd October 1949, namely:—

In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by May and Baker (India) Ltd., Messrs. Chas Pfizer & Co., Inc. New York, Messrs. Merck & Co., Inc., U. S. A. Messrs. Merck & Co., Ltd., Canada, Glaxo Laboratories, Eli Lilly and Company of India, Inc., Martin & Harris Ltd., Bombay (E. R. Squibb & Sons International Corporation Incorporated, New York U. S. A.) Parke Davis & Company & Volkart Brothers Ltd., Bombay for the prices specified in column 2 of the said schedule the prices specified in column 2 hereunder shall be substituted.

May & Baker (India) Ltd.

Penicillin Crystalline G.

	Rs. a. p.
5×0·10 Mega Unit	4 3 0
5×0·20 do	6 4 0
5×0·50 do	11 7 0
5×1·00 do	21 3 0

Messrs. Chas. Pfizer & Co., Inc., New York.

Penicillin Crystalline Sodium.

	Rs.	a.	p.
Vial of 1,00,000 Units	1	2	0
Vial of 2,00,000 do	1	6	0
Vial of 5,00,000 do	2	5	0
Vial of 10,00,000 do	3	11	0

Messrs, Merck and Co., Inc., U. S. A.

Penicillin Crystalline Sodium.

	Rs.	a.	p.
Vial of 1,00,000 Units	1	2	0
Vial of 2,00,000 do	1	6	0
Vial of 5,00,000 do	2	5	0
Vial of 10,00,000 do	3	11	0

Messrs. Merck and Co., Ltd., Canada.

	Rs.	a.	p.
Vial of 1,00,000 Units	1	2	0
Vial of 2,00,000 do	1	6	0
Vial of 5,00,000 do	2	5	0
Vial of 10,00,000 do	3	11	0

Glaxo Laboratories.

Penicillin Crystalline.

	Rs.	a.	p.
Phials 200,000 Units	1	1	0
Phials 500,000 do	2	1	0
Phials 1,000,000 do	3	10	0

Eli Lilly and Company of India, Inc.,

'Duracillin Fortified' (Procaine Penicillin—G and Penicillin— G, Crystalline—Sodium, Lilly)

Buffered, for aqueous injection. 2,000,000 units in 5-dose rubber stoppered ampoules--

	Rs.	a.	p.
Per ampoule	19	10	0

Penicillin—G. Crystalline—Potassium, Buffered

	Rs.	a.	p.
50,000 units tablets—per 12	5	9	0
100,000 units tablets—per 12	10	13	0

Martin and Harris Ltd., Bombay.

E. R. Squibb & Sons International Corporation Incorporated, New York, U. S. A.

	Rs.	a.	p.
Penicillin Crystalline G Potassium or Sodium			
Vial of 2,00,000 units ...	1	15	3

Parke Davis and Company.

			Rs.	a.	p.
Liver Extract 2/W.S.P. Units/cc	10 cc	... ...	4	11	0
Liver Extract 5/W.S.P.	10 cc	... ...	9	14	0
Liver Extract 10/W.S.P.	10 cc	... ...	16	7	0
Liver Extract 15/W.S.P.	5 cc	... ...	15	2	0

Volkart Brothers Ltd., Bombay.

'Roche' Specialities.

Benicot 'Roche'

Nicotinamide—Pellagra—Preventing factor

		Rs.	a.	p.
Tablets 100 mg. Bottle of 100	... ...	5	0	0
Ampoules 100 mg. Boxes of 6	... ...	1	8	0
Ampoules 100 mg. Boxes of 50	... ...	10	8	0

Sharpe and Dohme Pharmaceuticals.

		Rs.	a.	p
'Sulphasuxidine' 0·5 gm. tablets—Bottles of 500	...	78	0	0
1,000	...	148	0	0
'Sulphathalidine' 0·5 gm. tablets—Bottles of 50	...	7	8	0
100	...	13	12	0
500	...	67	8	0
'Bedome' (Vit. B1) 100 mg. per cc—vial of 5 cc	...	5	6	0

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, MONDAY, JANUARY 15, 1951.

MYSORE LEGISLATURE

NOTIFICATION

No. 4772—L. A., dated Bangalore, 15th January 1951.

In exercise of the powers conferred on him by clause (2) of article 208 read with article 238 of the Constitution of India, the Hon'ble Speaker of the Mysore Legislative Assembly, is pleased to direct that the Mysore Legislative Rules and Standing Orders of the Mysore Legislative Assembly shall, from the date of publication of the Notification in the *Mysore Gazette*, be subject to the following further modification namely :—

After Rule 64, the following rule shall be added :—

Committee on Estimates.

"65. (1) As soon as may be after the commencement of the first session of the Assembly, a Committee on Estimates shall, subject to the provisions of this rule, be constituted to examine such of the estimates as may seem fit to the Committee and to suggest economies consistent with the policy underlying the estimates.

(2) The Committee shall consist of the Finance Minister who shall be the Chairman and not more than twelve members who shall be elected by the Assembly from amongst its members according to the principle of proportional representation by means of the single transferable vote.

(3) The term of office of the members of the Committee shall be one year.

(4) Casual vacancies in the Committee shall be filled as soon as possible after they occur by election in the manner aforesaid, and any person elected to fill such vacancy shall hold office for the period for which the

person in whose place he is elected would, under the provisions of this rule, have held office.

(5) In order to constitute a meeting of the Committee, the quorum shall be five.

(6) If the Chairman is for any reason unable to act, the Speaker may similarly appoint another Chairman in his place.

(7) If the Chairman is absent from any meeting, the Committee shall choose another member to act as Chairman for that meeting.

(8) In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

(9) The Committee may appoint one or more sub-committees, each having the powers of the undivided committee, to examine any matters that may be referred to them, and the reports of such sub-committees shall be deemed to be the reports of the whole Committee if they are approved at a meeting of the whole Committee.

(10) The Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the Assembly. Such reports shall be treated as confidential until presented to the Assembly.

(11) The Committee may hear officials or take other evidence connected with the estimates under examination. It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(12) The Committee may continue its examination of the estimates from time to time throughout the financial year and report to the Assembly as its examination proceeds. It shall not be incumbent on the Committee to examine the entire estimates of any one year. The demands for grants may be finally voted notwithstanding the fact that the Committee has made no report.

(13) (*a*) The Speaker may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organisation of its work.

(*b*) If any doubt arises on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final."

By Order of the Hon'ble Speaker,

G. S. VENKATARAMANA IYER,

Secretary, Mysore Legislature.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, TUESDAY, JANUARY 16, 1951

PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. E.B. 329, dated Bangalore, 16th January 1951.

Ordered that the accompanying Notification No. 104-1-51—Elec., dated the 15th January 1951, be published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

ELECTION COMMISSION, INDIA

NOTIFICATION.

No. 104-1-51—Elec., New Delhi, dated the 15th January 1951.

In exercise of the powers conferred by the proviso to sub-rule (2) of rule 10 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, and in modification of its Notification No. 104-1-50—Elec., dated the 23rd December 1950, the Election Commission hereby extends up to the 15th February 1951, the period within which claims and objections under sub-rule (1) of the said rule are to be made under sub-rule (2) of that rule in respect of the electoral roll for any electoral unit comprised within the State of Mysore.

P. S. SUBRAMANIAN,

Secretary.

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Reg. No. M. 1175.

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The Mysore Gazette

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EXTRAORDINARY

BANGALORE, TUESDAY, JANUARY 16, 1951

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L. D. 3097, Bangalore, dated 16th January 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore State Aid to Industries Bill, 1951, together with Statement of Objects and Reasons, is published for general information.

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THE MYSORE STATE AID TO INDUSTRIES BILL, 1951.

ARRANGEMENT OF CLAUSES.

Clauses

1. Short title, extent and commencement.
2. Definitions.
3. Director of Industries.
4. Board of Industries.
5. No aid except in accordance with the provisions of this Act.
6. Industries to be aided.
7. Method of giving State aid.
8. Application for State aid and procedure in dealing with applications.
9. Grant of loans.
10. Loans how secured.
11. Inspections and returns.
12. Control of business assisted.
13. Repayment of loans.
14. Guaranteeing of loans by Banks.
15. Exemption of small and Cottage Industries.
16. Subscriptions for shares or debentures or guarantee of a minimum return on capital.
17. Subsidy by the Government.
18. Disposal of profits when condition of State aid is not fulfilled.
19. Methods of recovery of money due.
20. State aid granted prior to commencement of Act.
21. Power to make rules.
22. Powers of Government as regards starting or conducting industries and giving aid of certain kinds.

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THE MYSORE STATE AID TO INDUSTRIES BILL, 1951.

A Bill to regulate State aid to Industries.

WHEREAS it is expedient to empower the Government to assist in the establishment and development of industries in the State of Mysore ; **Preamble.**

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore State Aid to Industries Act, 1951. **Short title, extent and commencement.**

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act, **Definitions.**

(1) "cottage industry" means any industry carried on by a worker in his own home ;

(2) "Government" means the State Government ;

(3) "prescribed" means prescribed by rules made under this Act ;

(4) "village industry" means any industry which forms the normal occupation, whether whole time or part-time, of any class of the rural population of the State.

3. The Government may appoint any officer or other person to perform all or any of the functions of the Director of Industries under this Act. **Director of Industries.**

4. (1) There shall be constituted a Board of Industries consisting of ten members including the Chairman and the *ex-officio* member. **Board of Industries.**

(2) The Chairman and four members shall be nominated by the Government, one member shall be elected by the Mysore Chamber of Commerce and three members shall be elected by the Mysore Legislative Assembly from amongst its members. The Manager of the Bank of Mysore Limited, Bangalore, shall be the *ex-officio* member of the Board.

(3) The election of one member by the Mysore Chamber of Commerce and of three members by the Mysore Legislative Assembly shall be conducted in such manner as may be prescribed. A return of the name of every person elected shall be made to the Government by the President of the Mysore Chamber of Commerce or the Secretary of the Mysore Legislative Assembly, as the case may be, and such return shall be published in the *Mysore Gazette*.

(4) The Board of Industries shall assist the Government in dealing with applications for the grant of State aid under this Act.

(5) No member shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board of Industries if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested professionally on behalf of a client or as agent for any person other than the Government or a local authority.

No aid except in accordance with the provisions of this Act.

5. No aid shall be given by the Government to any industrial business or enterprise except in accordance with the provisions of this Act.

Industries to be aided.

6. (1) The industries to which aid may be given under this Act shall be such as have an important bearing on the economic development of the country and shall be :

(*a*) new or nascent industries, or

(*b*) industries to be newly introduced into areas where such industries are undeveloped, or

(*c*) cottage industries, or

(*d*) old or established industries :

Provided that aid shall not be given to any old or established industry unless the Government are satisfied that special reasons exist for giving such aid.

(2) No such aid shall be given to any joint stock company unless :

(*a*) the same is registered in India on a rupee capital, and

(b) the company conforms to such rules as may be made by the Government from time to time requiring that a minimum number or a proportion of the members of its board of management shall be citizens of India :

Provided further that every recipient of aid under this Act shall make such provision for the training of apprentices as the Government may, from time to time, prescribe.

(3) The decision of the Government as to whether the conditions of this section are fulfilled shall be final and shall not be called in question in any court of law.

Method of giving State aid.

7. Subject to the provisions of this Act and of the rules framed thereunder, the Government shall have power to give aid to an industrial business or enterprise in one or more of the following ways :—

(a) by granting a loan ;

(b) by guaranteeing a cash credit, overdraft or fixed advance with a bank ;

(c) by paying a subsidy, in the case of a cottage industry for any purpose, and in the case of any other industry for the conduct of research or the purchase of machinery ;

(d) by subscribing for shares or debentures ;

(e) by guaranteeing a minimum return on part of the capital of a joint-stock company ;

(f) by making a grant on favourable terms of land, raw material, firewood or water ;

(g) by supplying at concessional rates electric energy from a source owned by the Government.

Application for State aid and procedure in dealing with applications.

8. (1) Any person desiring to obtain a loan or other aid for any industrial business or enterprise shall make his application to the Director of Industries in such form and shall furnish such information concerning his business as may be prescribed.

(2) If the extent of the aid applied for exceeds Rs. 50,000 and in any other case in which he considers this procedure necessary, the Director of Industries shall publish a notice in the prescribed manner calling upon

any person who objects to the grant of the aid applied for, to state his objections at a time or place to be specified, and shall hear such objections and make such inquiry as may be necessary.

(3) Every application for aid shall be placed before the Board of Industries for advice.

(4) The Government may constitute district committees for the purpose of advising on applications for aid.

(5) No aid shall be granted under this Act if the Board by a unanimous resolution at a meeting advises the rejection of the application.

Grant of loans.

9. No loan shall be granted of an amount exceeding fifty per cent of the net value of the assets of the industrial business or enterprise and of any other property offered as collateral security for the loan, after deducting in both cases existing encumbrances, such value to be ascertained by such person as may be appointed by the Government and in accordance with such rules as may be prescribed; for the purpose of this valuation the additional assets which may be created by the expenditure of the sums granted may be taken into account to such extent as may be prescribed.

Loans how secured.

10. Every loan granted under this Act, shall be secured by a mortgage or floating charge upon the whole of the assets of the business or enterprise, subject to any encumbrances existing at the time of the grant, and by such collateral security, if any, as may be required by the Government, and shall bear interest payable on such dates and at such rates as the Government may determine.

Inspection and returns.

11. In any case in which a loan has been applied for under this Act, the applicant, and at any time during the currency of a loan that has been granted under it, the grantee, shall be bound—

(*a*) to comply with any general or special order of the Government relative to the inspection of the premises, buildings, or plant or stock in hand of the industrial business or enterprise;

(*b*) to permit the inspection of all accounts relative to the industrial business or enterprise;

(c) to furnish full returns of all products manufactured or sold both as regards description and quantity;

(d) to maintain such special accounts or to furnish such statement as the Government may, from time to time, require;

(e) to submit the accounts of the industrial business or enterprise to such audit as the Government may prescribe.

12. In any case in which a loan or loans is or are granted under this Act, amounting to two lakhs of rupees or upwards, the Government shall, and in any other case may, by the appointment of Government directors or otherwise, take power to ensure such control over the conduct of the business or enterprise as shall suffice in their opinion to safeguard their interests. Control of business assisted.

13. (1) Every loan granted under this Act shall be made repayable by instalments within such period from the date of the actual advance of the loan, or when the loan is advanced in instalments, from the date of payment of the last instalment, as may be fixed by the order granting the loan. Repayment of loans.

(2) The period fixed as aforesaid shall not exceed ten years unless the Government shall, by general or special order, extend the same.

14. No guarantee of a cash credit, overdraft or fixed advance with a bank shall be given except under the conditions prescribed in sections 9 to 12 in respect of loans. Guaranteeing of loans by banks.

15. Save as otherwise may be prescribed by rules made under this Act, nothing in sections 9, 10, 11 and 14, shall apply to any industrial business or enterprise with a capital outlay not exceeding two thousand rupees or to cottage industries. Exemption of small and cottage industries.

16. The condition of subscription for shares and debentures by the Government or the guarantee of a minimum return on the capital of any industrial business or enterprise shall be that the business or enterprise shall be subject to the conditions of section 11 in respect of Subscriptions for shares or debentures or guarantee of a minimum return on capital.

inspection and returns as well as to the provisions of section 12 in respect of Government control:

Provided that—

(a) for all shares subscribed by the Government, there must be taken up and fully paid for not less than an equal number of shares;

(b) for all capital on which a return is guaranteed by the Government, there shall be paid up not less than an equal amount of capital which carries no guarantee.

Subsidy by the Government.

17. The condition of a grant of subsidy or of any payment under guarantee of a minimum return on the paid-up capital or of the grant of Government land, raw material, firewood or water on favourable terms, or of the supply, from a Government source, of electric energy at concessional rates, shall ordinarily be that an amount equal to the sum paid or to the value of the grant or concession as fixed at the time when it is made, shall be repaid to the Government at the close of a fixed term of years, if, within that term, the industrial business or enterprise shall be shown to be paying interest or a dividend upon the capital invested in excess of such rate as the Government may fix.

No subsidy (to an industry other than a cottage industry) shall exceed forty per cent of the cost of the research or of the cost of the machinery as the case may be.

Disposal of profits when condition of State aid is not fulfilled.

18. No recipient of State aid shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the industrial business or enterprise as the Government may fix from time to time until the conditions on which the State aid has been granted are fulfilled. The balance of the profits, after setting aside proper amounts for depreciation or obsolescence of plant and buildings, and for the payment of interest on debentures of loans, shall be carried to a reserve fund to be utilized in such manner as the Government may approve.

Methods of recovery of money due.

19. (1) All moneys payable under this Act, including any interest chargeable thereon and costs, if any, incurred, if not paid when due, may be recovered from the person

aided and his surety, if any, under the law for the time being in force, as if they were arrears of land revenue.

(2) When any sum due as aforesaid is paid by the surety or is recovered from him or out of his property under sub-section (1), the Deputy Commissioner shall, on the application of the surety, so far as possible, recover the same from the person aided and pay the same to the surety.

20. Any such aid as is referred to in section 7, given by the Government to any industry prior to the commencement of this Act, shall, on the issue of an order to that effect by the Government in the *Mysore Gazette*, be deemed to be aid given under this Act and on the issue of such order, all the provisions of this Act and of any rules made thereunder shall apply to such aid and such industry as if such aid was given to such industry under this Act.

State aid granted prior to commencement of Act.

21. (1) The Government may make rules to carry out all or any of the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules regulating all or any of the following matters :—

(i) the classes of industrial businesses or enterprises to which and the purposes for which aid may be given;

(ii) the term of office of the members of the Board of Industries, the quorum at the Board's meetings, the method of arriving at its decisions, the appointment of its staff, the remuneration of its members and all other matters relative to the conduct of its business; and the constitution and functions of district committees;

(iii) the manner of making applications for State aid and the information to be given in such applications, provided that no such rules shall require any applicant or grantee of aid to divulge any information relating to the technical details of any process of any patent owned by him;

(iv) the manner of conducting inquiries and the matters to be specially inquired into in dealing

with applications for the State aid and the powers to be exercised by the Director of Industries conducting such inquiries ;

(v) the mode of ascertaining the value of the assets of an industrial business or enterprise ; or of any property offered as collateral security for a loan ;

(vi) the nature of the security to be taken for the due application of loans and grants and the rates of interest at which and the conditions under which loans or grants may be given, and the creation of a mortgage, floating charge or collateral security under section 10 ;

(vii) the inspection of the premises, buildings, plant and stock on hand and the accounts of any industrial business or enterprise for which State aid has been granted ;

(viii) the mode of keeping and auditing the accounts and of furnishing returns of any industrial business or enterprise in respect of which State aid has been granted ;

(ix) the appointment and functions of Government directors or the prescribing of other methods of control of industrial businesses or enterprises in respect of which State aid has been granted ;

(x) the application of profits in cases in which the conditions under which loans or grants have been made have not been fulfilled ;

(xi) the guaranteeing by the Government of cash credits, over-drafts or fixed advances by banks and the recognition of banks for this purpose ;

(xii) the fixing of the period for the repayment of loans and the conditions and dates of the repayment of subsidies and grants ;

(xiii) the recovery of any moneys due under this Act ; and

(xiv) the conditions under which and the security on which loans shall be granted or guarantees of a cash credit, overdraft or fixed advance with a bank given to the industries referred to in section 15 :

Provided that such rules are laid on the table of the Mysore Legislative Assembly and notified in the *Mysore Gazette*, one month after which they shall have the force of law unless amended by the Mysore Legislative Assembly within that period or, if the Assembly is not sitting during that period, at its next meeting.

22. Nothing in this Act shall be held to debar the Government,

Powers of Government as regards starting or conducting industries and giving aid of certain kinds.

(*a*) from starting or conducting industrial enterprises for experimental purposes or with a view to stimulate industrial development;

(*b*) from assisting an industrial business or enterprise by agreements to purchase on business terms the whole or a portion of the products of the same;

(*c*) from assisting an industrial business or enterprise by giving gratis or on favourable terms, the services of Government officials or experts either in the capacity of advisers or for a limited period not exceeding one year for starting or conducting such business or enterprise;

(*d*) from assisting an industrial business or enterprise in connection with industrial education or the training of apprentices;

(*e*) from assisting a village industry in any manner which may be determined by the Government.

Statement of Objects and Reasons.

The question of establishing an Industrial Finance Corporation in the State has been engaging the attention of Government for some time past. The Government of India were requested to extend the provisions of the Industrial Finance Corporation Act, 1948, to the Mysore State so that the Industrial concerns requiring large funds for expansion schemes may have the benefit of assistance from the Central Corporation. The Central Act provides for assistance to Industrial concerns up to a limit not exceeding 50 lakhs. The Government of India are taking necessary action to extend the provisions

of the Central Act to the State and meanwhile, the Industrial Finance Corporation of India have also agreed to consider the applications for financial assistance from the industries in the Mysore State. For financing industries requiring funds of smaller magnitude up to 10 lakhs, the Government of India have proposed a Bill for the establishment of the State Finance Corporation. The Bill is being placed before the Union Parliament and after it is passed into law, Government can take necessary action to establish a State Finance Corporation within the State by means of a notification. The State Finance Corporation when set up will have a share capital not exceeding Rs. 2 crores, the issue of shares to the public being limited to 25 per cent. The Corporation will be managed by a Board of Directors majority of whom will be nominated by the State Government. The main intention of such a corporation will be to finance medium and small scale industries and consider only cases which are outside the scope of Central Finance Industrial Corporation. After the provisions of the Industrial Finance Corporation Act are extended and a State Finance Corporation is set up, there will still be cases where the State Government may have to directly render assistance, as in the case of cottage industries, loans to educated unemployed and industries which may not receive assistance either from the Central Finance Corporation or from the State Finance Corporation. Apart from the granting of loans to such industries, there may be cases where Government may have to encourage industrial expansion by investments in the shares of companies, providing other concessions like supply of electricity at concession rates, grant of sites, etc. With a view to regularise such grants or concessions to industries directly by the State Government, it is considered necessary to set up a Board of Industries as envisaged in the Bill so as to advise the State Government in granting financial and other aid and hence the present Bill is brought up for consideration.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H.A. 9607—Pol. 185-50-6, dated Bangalore, 15th January 1951.

In exercise of the powers conferred by Section 8 of the Cinematograph Act, 1923 (Mysore Act No. XII of 1923), His Highness the Maharaja of Mysore is pleased to direct that the Cinematograph Censorship Rules, 1944, issued in Notification No. P. 23—Pol. 1-44-2, dated 1st July 1944, shall be cancelled with effect from the 15th January 1951.

By Order of His Highness the Maharaja.

(HOME DEPARTMENT).

No. H. A. 9617—Pol. 185-50-7, dated Bangalore, 15th January 1951.

In exercise of the powers conferred by sub-section (1) of Section 7 of Cinematograph Act, 1923 (Mysore Act No. XII of 1923), His Highness the Maharaja of Mysore is pleased to direct that Notification No. H. 4579—Pol. 192-4 -4, dated 12th August 1950 constituting the Mysore Board of Censors shall be cancelled with effect from the 15th January 1951.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

No. L. 10431—C.M. 30-50-29, dated Bangalore, the 11th January 1951.

Whereas under paragraph 28 of the Adaptation of Laws Order, 1950, if any question arises regarding the adaptations with which any law in force in the territory of India immediately before the 26th day of January 1950, should be construed for the purpose of bringing it into accord with the Constitution of India, the question shall be referred to the Central Government if the law relates to a matter enumerated in List I or List III in the Seventh Schedule to the Constitution and to the State Government concerned in any other case, and the decision of that Government on any such reference shall be final.

AND WHEREAS the Commissioner, City of Bangalore Municipal Corporation, Bangalore, has referred the question regarding the adaptations subject to which Section 58 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949), should be construed;

NOW, THEREFORE, in exercise of the powers conferred by the proviso to paragraph 28 of the Adaptation of Laws Order, 1950, His Highness the Maharaja of Mysore is pleased to direct that Section 58 of the City of Bangalore Municipal Corporation Act, 1949, shall for the purpose of bringing the said section into accord with the

provisions of the Constitution, be construed subject to the following adaptations, namely :—

In sub-section (1) of the said section, for "His Highness the Maharaja", substitute "the Constitution" and for "solemnly $\frac{\text{swear}}{\text{affirm}}$ that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, his heirs and successors" substitute $\frac{\text{swear in the}}{\text{solemnly}}$ $\frac{\text{of God}}{\text{affirm}}$ that I will bear true faith and allegiance to the Constitution of India" and for "duties" substitute "duty."

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Local Self-Government Department.

No. L.S. 3606—L.W. 99-50-3, dated Bangalore, 11th January 1951.

The draft of the following Rules under the Industrial Disputes Act, 1947 (Central Act XIV of 1947), which it is proposed to make in exercise of the powers conferred by Section 38 of the said Act, is hereby published for the information of all persons likely to be affected thereby, as required by the said section.

Objections or suggestions if any to the draft Rules may be forwarded to the Secretary to Government, Law Department, Public Offices, Bangalore, through the Commissioner of Labour, for consideration, so as to reach him not later than the 1st February 1951.

DRAFT RULES UNDER THE INDUSTRIAL DISPUTES ACT (CENTRAL) 1947.

1. (i) *Title and application.*—These rules may be called the Industrial Disputes (Mysore) Rules, 1950.

(ii) They extend to the whole of the State of Mysore.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context.

(*a*) *Act* means the Industrial Disputes Act, 1947.

(*b*) *Chairman* means Chairman of a Board, Court, or Tribunal or if the Court or Tribunal consists of one person only, such person.

(c) "*Committee*" means a Works Committee constituted under sub-section (1) of section 3 of the Act.

(d) "*Form*" means a form in the Schedule to these rules.

(e) "*Registered Association*" means an association of employees registered under the Mysore Labour Act, 1942.

(f) "*Section*" means section of the Act.

PART I.

Procedure for reference of Industrial Disputes to Boards of Conciliation, Courts of Enquiry or Industrial Tribunals.

3. An application for the reference of an Industrial Dispute to a Board, Court or Tribunal shall be made in Form 'A' and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to Government, in charge of Labour Department. The application shall be accompanied by a statement setting forth.—

(a) The parties to the dispute,

(b) The specific matters to dispute,

(c) The total number of workmen employed in the undertaking affected,

(d) An estimate of the number of workmen affected or likely to be affected by the dispute,

(e) The efforts made by the parties themselves to adjust the dispute.

4. *Attestation of application.*—The application and the statement accompanying it shall be signed—

(a) in case of an employer by the employer himself or when the employer is an incorporated Company or other Body Corporate, by the Agent, Manager or other Principal Officer of the Corporation;

(b) in the case of workmen, either by the President, and Secretary of a registered association of the workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

5. *Notification of appointment of Board, Court or Tribunal.*—The appointment of a Board, Court or Tribunal together with the names of persons constituting the Board, Court or Tribunal shall be notified in the *Mysore Gazette*.

6. *Notice to parties to nominate representatives.*—(i) If the State Government propose to appoint a Board, it shall send a notice in Form 'B' to the parties requiring them to nominate within a reasonable time persons to represent them on the Board.

(ii) The notice to the employer shall be sent to the employer personally or if the employer is an incorporated Company or a Body Corporate, to the Agent, Manager or other Principal Officer of such company or body.

(iii) The notice to the workmen shall be sent—

(*a*) in the case of workmen who are members of a registered association to the President or Secretary of the registered association; and

(*b*) in the case of workmen who are not members of a registered association, to any one workman who has attested the application made under rule 3; and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

PART II.

POWERS, PROCEDURE AND DUTIES OF CONCILIATION OFFICERS BOARDS, COURTS AND TRIBUNALS.

7. *Conciliation Proceedings.*—On receipt of information about an existing or apprehended industrial dispute, or where the dispute relates to a public utility service, on receipt of a notice of a strike or lockout given under rule 52 or rule 53, the Conciliation Officer shall orthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such time as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

8. The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately.

9. The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.

10. *Place and time of hearing.*—The sittings of a Board, Court or Tribunal shall be held at such times and places as the Chairman may fix and the Chairman shall inform the parties of the same in such manner as he thinks fit:

Provided as far as possible the Board, Court or Tribunal shall sit at or near the place where the dispute or matter arose which is before it.

11. *Quorum for Boards and Courts.*—The quorum necessary to constitute a sitting of a Board or Court shall be as follows :—

		Quorum
(i) in the case of a Board—		
where the number of members is 3	...	2
where the number of members is 5	...	3
(ii) in the case of a Court—		
where the number of members is not more than 2	... ...	1
where the number of members is more than 2 but less than 5	... ...	2
where the number of members is 5 or more		3

12. *Casual vacancy in Tribunal.*—Where a Tribunal consists of two or more members, the Tribunal may, with the consent of the parties, act notwithstanding any casual vacancy in its number and no act, proceeding or determination of the Tribunal shall be called in question or invalidated by reason of any such vacancy.

13. *Administration of oath.*—Any member of a Board, Court or Tribunal may administer an oath.

14. *Evidence.*—A Board, Court or Tribunal may accept, admit or call for evidence at any stage of the proceedings before it and in such manner as it may think fit.

15. *Summons.*—Summons issued by a Board, Court or Tribunal shall be in Form 'C' and may require any person to produce before it any books, papers or other documents and things in his possession or under his control in any way relating to the matter under investigation or adjudication by the Board, Court or Tribunal which the Board, Court or Tribunal thinks necessary for the purpose of such investigation or adjudication.

16. *Service of Summons or Notice.*—Any notice, summons, process or order issued by a Board, Court or Tribunal may be served either personally or by registered post.

17. *Procedure at the first sitting.*—At the first sitting of a Board, Court or Tribunal, the Chairman shall call upon the parties in such order as he may think fit to state their case.

18. *Information to be kept Confidential.*—All books, papers and other documents or things produced before a Board, Court or Tribunal whether voluntarily or in pursuance of summons may be inspected by the Board, Court

or Tribunal and also by such parties as the Board, Court or Tribunal allows; but the information obtained therefrom shall not except as provided in the Act, be made public; and such parts of the books, papers, documents or things as in the opinion of the Board, Court or Tribunal do not relate to the matters at issue may be sealed up.

19. *Board, Court or Tribunal may proceed ex-parte.*—If without good cause shown, any party to proceedings before a Board, Court or Tribunal fails to attend or to be represented, the Board, Court or Tribunal may proceed as if he had duly attended or had been represented.

20. *Power of Entry and Inspection.*—A Board, Court or Tribunal or any member thereof or any other person authorised in writing by a Board, Court or Tribunal in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Board, Court or Tribunal under the Act, at any time between the hours of sunrise and sunset, and in the case of a person authorised in writing by a Board, Court or Tribunal after he has given reasonable notice, enter any building, factory, workshop or other place or premises whatsover, and inspect the same or any work, machinery appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject matter of the investigation, enquiry or adjudication.

21. *Power of Boards, Courts and Tribunals.*—In addition to the powers conferred by sub-section (3) of section 11 of the Act, Boards, Courts and Tribunals shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1911, when trying a suit, in respect of the following matters, namely :—

(*a*) discovery and inspection;

(*b*) granting adjournment;

(*c*) reception of evidence taken on affidavit; and

the Board, Court or Tribunal may summon and examine *suo motu* any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

21-A. *Power of Tribunals to award costs.*—The costs of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal and the Tribunal shall have full powers to determine by and to whom and to what extent and subject to what conditions if any such costs are to be paid and to give all necessary directions for the purposes aforesaid.

22. *Decision by majority.*—All questions arising for decision at any meeting of a Board, Court or Tribunal, save where the Court or Tribunal consists of one person shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

23. *Correction of errors.*—The Tribunal may correct any clerical mistake or error arising from an accidental slip or omission in any award it issues.

24. *Right of representatives.*—The representatives of the parties, appearing before a Board, Court or Tribunal shall have the right of examination, cross-examination and re-examination and of addressing the Board, Court or Tribunal when all evidence has been called.

25. *Proceedings before a Board.*—The proceedings before a Board shall be held in public:

Provided that the Board may at any stage direct that any witness shall be examined or its proceedings shall be held in camera.

PART III.

REMUNERATION OF MEMBERS OF BOARDS, COURTS AND TRIBUNALS, ASSESSORS AND WITNESSES AND ESTABLISHMENTS.

26. *Travelling Allowance.*—A member of a Board, Court or Tribunal, if a non-official shall be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible and subject to the conditions applicable to a Government servant of First Grade under the Mysore Service Regulation and if he is retired Judge of the High Court or a District Court he is

entitled to draw Travelling Allowance and Dearness Allowance admissible to a Judge of the High Court or a District Court in Service.

27. *Fees.*—The Chairman and members of a Board, Court or Tribunal and the assessors appointed to assist a Court or Tribunal shall be granted such fees as may be sanctioned by the Government in each case.

28. *Expenses of witnesses.*—Every person who is summoned and duly attends as a witness before a Board, Court or Tribunal shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil courts.

29. *Establishment.*—The Government may appoint a Secretary to the Board, Court or Tribunal and such other staff as it may think necessary and may fix the salaries and allowances payable to them.

PART IV.

REPRESENTATION OF PARTIES.

30. *Representation by a Legal Practitioner.*—Any party to a reference before a Court or Tribunal may be represented by a legal practitioner with the permission of the Court or Tribunal, as the case may be, and subject to such conditions or restrictions as the Court or Tribunal may impose.

31. *Parties bound by acts of representatives.*—A party appearing by a representative shall be bound by the acts of that representative.

PART V.

WORKS COMMITTEES.

32. *Constitution.*—Any employer to whom an order made under sub-section (1) of section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this part.

33. *Number of Members.*—The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and

classes of workmen engaged in, and to the sections, shop or departments of the establishment:

Provided that the total number of members shall not exceed twenty:

Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

34. *Representatives of the employer.*—Subject to the provisions of these rules, the representatives of the employer shall be nominated by the employer and shall as far as possible, be officials in direct touch with or associated with the working of the establishment.

35. *Consultation with the Registered Association.*—Where any workmen of an establishment are members of a registered association, the employer shall ask the Association to inform him in writing—

(*a*) how many of the workmen are members of the Association; and

(*b*) how their membership is distributed among the sections, shops or departments of the establishment.

36. *Groups of workmen's representatives.*—On receipt of the information called for under rule 35, the employer shall provide for the election of workmen's representatives on the Committee in two groups—

(1) those to be elected by the workmen of establishment who are members of the Association or Associations;

(2) those to be elected by the workmen of the establishment who are not members of such Association or Associations bearing the same proportion to each other as the Association members in the establishment bear to the non-members:

Provided that where more than half the workmen are members of an association, no such division shall be made.

37. *Electoral Constituencies.*—Where under rule 36, the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of the Association and the other of those who are not:

Provided that the employer may, if he thinks fit, subdivide the two electoral constituencies and direct that

workmen shall vote in either by groups, sections, shops or departments.

38. *Qualification of candidates for election.*—Any workmen of not less than 19 years of age and with a service of not less than one year in the establishment may if nominated as provided in these rules, be a candidate for election as a representative of the workmen on the committee:

Provided that the service qualification shall not apply to the first election in an establishment which has been in existence for less than a year.

39. *Qualifications for voters.*—All workmen, other than casual employees, who are not less than 18 years of age and who have put in not less than 6 months' service in the establishment shall be entitled to vote in the election of the representatives of workmen.

40. *Procedure for Election.*—(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the committee.

(2) For holding the election the employer shall also fix a date which shall not be earlier than three days and later than ten days after the closing date for receiving nominations.

(3) The dates so fixed shall be notified at least seven days in advance to the workmen and the Association or Associations concerned, such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the Association or Associations and by the non-members.

(4) A copy of which notice shall be sent to the Association or Associations concerned.

41. *Nomination of Candidates for Election.*—(1) Every nomination shall be made on a nomination paper in Form 'H' copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination paper must be signed by the candidate to whom it relates and attested by at least two other voters belonging to the electoral constituency and shall be delivered to the employer.

42. *Scrutiny of Nomination Papers.*—(1) On the day following the last day fixed for filing the nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (*a*) the candidate nominated is ineligible for membership under rule 38 or (*b*) the requirements of rule 41 have not been complied with.

43. *Voting in Election.*—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

(2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer, and, if any of the workmen concerned belong to an Association, by such of them as the Association, may nominate.

44. *Arrangements for Election.*—The employer shall be responsible for all arrangements in connection with the election.

45. *Officers of the Committee.*—(1) The Committee shall elect office-bearers including one Chairman, one Vice-Chairman and two Joint Secretaries.

(2) The Chairman shall be nominated by the employer from amongst the employers' representatives on the Committee.

(3) The Vice-Chairman shall be elected by the Committee from amongst the workmen's representatives on the Committee.

(4) The two Joint Secretaries shall be elected by the Committee from amongst the representatives of the employer and of the workmen, respectively.

46. *Term of Office.*—(1) The term of office of a workmen's representative on the Committee other than a member chosen to fill a casual vacancy, shall be two years.

(2) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor.

47. *Vacancies.*—In the event of a workman's representative ceasing to be employed in the establishment or in the event of his resigning the membership on the Committee, his successor shall be elected from the constituency to which the member vacating the seat belonged.

48. *Power to Co-opt.*—The Committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having a particular or special knowledge of a matter under discussion. Such co-opted members shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

49. *Number of Meetings.*—The Committee may meet as often as necessary but not less often than once a month.

50. *Facilities for meeting, etc.*—The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee.

PART VI.

51. *Memorandum of Settlement.*—The memorandum of settlement to be submitted by the Conciliation Officer—Board of Conciliation—shall be in Form 'D'.

52. *Notice of Strike.*—(1) The notice of strike to be given to the employer by employees in a public utility service shall be in Form 'E'.

(2) On receipt of a notice of strike under sub-rule (1), the employer shall forthwith intimate the fact to the appropriate Conciliation Officer.

53. *Notice of Lock-out.*—The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form 'F'.

54. *Report of Lock-out or Strike.*—The report of a lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of section 22, shall be in Form 'G'.

55. *Report of Notice of Strike or Lock-out.*—The report of notice of a strike or lock-out to be submitted by the employer under sub-section (6) of section 22 shall be sent by registered post or given personally to the Conciliation Officer, appointed for the local area concerned, with a copy by registered post to—

1. The Secretary to Government of Mysore, Bangalore, in charge of Labour Department.

56. *Penalties.*—Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

SCHEDULE.

FORM 'A'.

(See Rule 3.)

Form of application under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, for the reference of an industrial dispute to a Board of Conciliation/Court of Enquiry/Industrial Tribunal.

Whereas an industrial dispute is apprehended/exists between .....and.....and it is expedient *that the matters specified in the enclosed statement which are connected with or relevant to the dispute/the dispute should be referred for investigation and* settlement/enquiry/adjudication, by a Board of Conciliation/A Court of Enquiry/an Industrial Tribunal—an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, that the said matters/said dispute—should be referred to a Board of Conciliation/A Court of Enquiry/an industrial Tribunal.

This application is made by the undersigned who have/has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the .....held on the..... 19 .

A statement giving the particulars required under Rule 3 of the Industrial Disputes (Mysore) Rules, 1950, is attached.

Dated the.....19 . *Signature of Applicant(s).*

To

The Secretary to the Government of Mysore,
in charge of Labour Department.

Statement required under rule 3 of the Industrial Disputes (Mysore) Rules, 1950, to accompany the form of application prescribed under sub-section 2 of Section 10 of the Industrial Disputes Act, 1947 :—

(*a*) Parties to the dispute.

(*b*) Specific matters in dispute.

(*c*) Total number of workmen employed in the undertaking affected.

(*d*) Estimate of the number of workmen affected or likely to be affected by the dispute.

(*e*) Efforts made by the parties themselves to adjust the dispute.

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FORM 'B'.

(See Rule 6).

Whereas an industrial dispute has arisen/is apprehended between .....and.....and it is expedient to refer the said dispute under Section 10 of the Industrial Disputes Act, 1947, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the ..... the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

If you fail to make the recommendation by the date specified above, the Government will select and appoint such person(s) as it thinks fit to represent you.

.....

Secretary to the Government,
in charge of Labour Department.

FORM 'C'.

(See Rule 15).

Whereas an industrial dispute between.....
.....and.....has been referred to

this Board of Conciliation for/investigation and Settlement / Court of Enquiry for investigation / Industrial Tribunal for adjudication under Section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board / Court / Tribunal in person on the ..... day of .....at..... o'clock in the..... noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board / Court / Tribunal

Dated.....

Chairman/Secretary, Board of Conciliation / Court of Enquiry / Industrial Tribunal

FORM 'D'.

(*See Rule 51.*)

Form of Memorandum of Settlement.

Names of parties

Representing employer .....

Representing employees .....

Short recitle of case.

Terms of agreement.

Signature of parties.

Signature of *Conciliation Officer.* / *Board of Conciliation.*

FORM 'E'.

(*See Rule 52*).

Form of notice of strike to be given by employee(s) in a public utility service.

Name of Association.

Names of elected representatives of employees where no Registered Association exists.

Address.

Dated the day of 19

To

(The name of the employer).

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of Section 22 of the Industrial Disputes Act, 1947, I/we hereby give you notice that I propose to call a strike/we propose to go on strike on 19 , for the reasons explained in the annexe.

Yours faithfully,

Secretary of the Association.

Representatives of the employees elected at a meeting held on.....

ANNEXE.

Statement of the Case.

FORM 'F'.

(See Rule 53).

Form of notice of lock-out to be given by an employer carrying on a public utility service.

Name of employer..... .....Address

Dated the.....day of..... .....19 ..

To

(The Secretary of the Registered Association, if any)

DEAR SIR,

In accordance with the provisions of sub-section (2) of section 22 of Industrial Disputes Act, 1947, I/we hereby inform you that it is my/our intention to effect a lock-out with effect from..... .....for the reasons explained in the annexe.

Yours faithfully,

(*)

* Here insert the position which the person who signs this letter holds with the employer issuing this letter.

ANNEXE

Statement of the case.

112

FORM 'G'.

(See Rule 54).

Form of Report of Strike or Lock-out in a public utility service

Information to be supplied in this Form immediately on the occurrence of a strike or lock-out in a public utility service to the Conciliation Officer concerned.

Name of the undertaking	Station and District	Normal working strength	Number of workers involved		Strike or Lock-out	Date of commencement of strike or lock-out	Cause	Was notice of strike or lock-out given; if so, on what date and for what period?	Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workmen? If any exists, particulars thereof.	Any other information
			Directly	Indirectly						
1	2	3	4	5	6	7	8	9	10	11

NOTE.—Column (3) Give the average number of workmen employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the average, omit the days on which the attendance was not normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section of workers should be omitted.

Column (4) If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then 200 should be shown under "directly" and remaining under "indirectly." If the strike of 200 workers does not affect the working of the other departments of the factory, the number of workers involved would only be 200, which figures should appear under "directly" and column "indirectly" would be blank.

Column (8) Give the main causes of the dispute as well as the immediate cause that led to the strike or lock-out.

FORM 'H'.

(*See Rule 41*)

Form of Nomination Paper.

Name of Industrial Establishment.	Group/Section/Shop/Department.

I nominate

(Here enter the name of the workmen's representative eligible for .....for election)..... .....

as a candidate for election to the Works Committee.

Signature of Proposer.

Date.....

I agree to the proposed nomination.

Signature of Candidate.

Date

Attested by (1) } To be signed by any two voters
(2) } belonging to the electoral constituency.

No. E. 10754—B. R. 7-50-2, dated Bangalore, 13th January 1951.

The draft of the following further amendments to the Rules for the Prohibition of Beggary which it is proposed to make in exercise of the powers conferred by Section 38 of the Act for the Prohibition of Beggary, 1944 (Mysore Act No. XXXIII of 1944), is hereby published for the information of all persons likely to be affected thereby as required by the said section.

Notice is hereby given that the draft amendments will be taken into consideration after 7th February 1951.

Objections or suggestions if any to the said draft may be forwarded to the Secretary to Government, Law Department, Public Offices, Bangalore, so as to reach him before the said date.

Draft Amendment.

For sub-rule (V) of rule 8 of the Rules for the Prohibition of Beggary, 1947, the following sub-rule shall be substituted, namely :—

"(V) The Chairman may delegate to the Secretary or to the Chairman, Local Relief Committee, or to the Officer-in-charge of any centre such of his powers of control, and discipline and financial powers as he deems fit, and may, at any time, withdraw any power so delegated."

By Order of His Highness the Maharaja,

No. L.S. 3686—L. W. 63-49-11, dated Bangalore, 16th January 1951.

The time limit fixed in the several Notifications mentioned below for sending objections or suggestions regarding the fixation of opening and closing hours of Shops and Establishments under the Mysore Shops and Establishments Act, 1948, which was extended up to 31st December 1950 in Notification No. L.S. 3386—L.W. 63-49-10, dated 20th December 1950, is hereby further extended up to the end of February 1951:—

1. No. L.S. 1999—L.W. 63-49-6, dated 10th December 1949.
2. No. L.S. 2001—L.W. 63-49-3, dated 10th December 1949.
3. No. L.S. 2003—L.W. 63-49-4, dated 10th December 1949.
4. No. L.S. 2005—L.W. 63-49-5, dated 10th December 1949.
5. No. L.S. 313—L.W. 63-49-8, dated 28th April 1950.

By Order of His Highness the Maharaja,

No. L.S. 3688—L.W. 256-50-1, dated Bangalore, the 16th January 1951.

The time limit allowed in Government Notification No. L.S. 923-4—L.W. 83-49-4, dated 6th October 1949, published in the *Mysore Gazette*, dated 21st December 1950 and 28th December 1950, for forwardal of objections or suggestions in respect of the several forms set forth in Schedule 11 of the Census of Manufacturing Industries Rules, is hereby extended till the end of January 1951.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

No. S.D. 6611—R. 54-49-14, dated Bangalore, 12th January 1951.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) and delegated by the Central Government in their Notification No. S.R.O. 703, dated 4th October 1950 and with the previous concurrence of the Central Government, His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made in the Mysore Rationing Order (Order No. 2) (Food) issued in Notification No. S.D. 2182—C. 94-43, dated 1st October 1943 and to direct that notice of this amendment shall be given by publication in the *Mysore Gazette.*

The following clause shall be substituted for Clause 2 of the Mysore Rationing Order, *viz.*:—

"2. The State Government may appoint Rationing Officers with defined local jurisdiction. The Rationing Officer appointed for the area included within the limits of the City of Bangalore Municipal Corporation shall be subordinate to the Director of Food Supplies in Mysore. The Rationing Officer appointed for the area included within the limits of the Mysore City Municipality shall be subordinate to the Chief Rationing Officer for Mysore

City appointed by the State Government by notification in the *Mysore Gazette*. The Rationing Officers for other areas shall be subordinate to the Deputy Commissioners of the respective Districts."

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

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PART IV

Section 1-C

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION

No. L.D. 2576—Legis. 4-50-79, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 786, dated the 14th October 1950 of the Ministry of Rehabilitation amending the Displaced Persons (Registration of Claims) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 21st October 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION

New Delhi, the 14th October 1950.

S.R.O. 786.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to direct that the following further amendment shall be made in the Displaced Persons (Registration of Claims) Rules 1950, namely :—

In rule 4 of the said Rules after the words "accompanied by" the words "Postage or revenue stamps or" shall be inserted.

[No. 1(1)/CCC/G-50.]
S. B. CAPOOR, Joint Secy.

NOTIFICATION

No. L.D. 2577—Legis 4-50-78, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 777, dated the 12th October 1950 of the Ministry of Home Affairs amending the Indian Passport Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 21st October 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 12th October 1950

S.R.O. 777.—In exercise of the powers conferred by section 3 of the Indian Passport Act, 1920 (XXXIV of 1920), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Passport Rules, 1950, namely :—

For the existing clauses (c) and (d) of sub-rule (1) of rule 4 of the said Rules, the following shall be substituted :—

"(c) persons domiciled in India proceeding from any of the French or Portuguese Establishments in India, or from Pakistan ;

(d) persons domiciled in any French or Portuguese Establishment in India proceeding from any such Establishment."

[No. 6/37/50-F.I.]

FATEH SINGH, Dy. Secy

NOTIFICATION

No. L.D. 2578—Legis. 4-50-68, dated Bangalore, 6th December 1950.

Ordered that the following Notification No. S.R.O. 663, dated the 26th September 1950 of the Ministry of Home Affairs under the Indian Passport Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 30th September 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Departmen

MINISTRY OF HOME AFFAIRS

New Delhi, the 26th September 1950

S.R.O. 663.—In pursuance of clause (i) of sub-rule (1) of rule 4 of the Indian Passport Rules, 1950, the Central Government is pleased to exempt indigenous nationals of India and the Union of Burma, who are members of the hill tribes inhabiting areas adjacent to the Indo-Burmese frontier and who enter India by land over the said frontier, from the provisions of rule 3 of the said Rules :

Provided that the exemption shall not apply to any such national of the Union of Burma who proceeds into India beyond twenty-five miles from the land border.

[No. 4/15/50-F.-I.]

FATEH SINGH, Dy. Secy.

NOTIFICATION

No. L.D. 2579—Legis. 4-50-69, dated Bangalore, 6th December 1950.

Ordered that the following Notification No. S.R.O. 679, dated the 30th September 1950 of the Ministry of Finance amending the Indian Income-tax Rules, 1922, published in the *Gazette of India*, Part II, Section 3, dated the 30th September 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

New Delhi, the 30th September 1950

S.R.O. 679.—In exercise of the powers conferred by sub-section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendments shall be made in the Indian Income-tax Rules, 1922, the same having been published as required by sub-section (4) of the said section, namely :—

For the existing form of return of total income and total world income for individuals, Hindu Undivided families, companies, local authorities, firms and other association of persons sub-sections (1) or (2) of section 22 of the Indian Income-tax Act, 1922 set forth in sub-rule (1) of rule 19 of the said Rules, the following form shall be substituted, namely :—

Form of return of total income and total world income for individuals, Hindu Undivided families, companies, local authorities, firms and other Associations of persons under sub-section (1) or (2) of Section 22 of the Indian Income-tax Act 1922—*See* note 1.

INCOME-TAX YEAR 19 -19

Name .....

*Status .....

Address .....

PART I

Statement of total income and total world income during the previous year ended.....see note 4.

Sources of income 1	Amount of income, profits or gains 2	Tax already charged or deducted at source. (*See* note 7) 3
SECTION A.—INCOME WHICH ACCRUED, AROSE OR WAS RECEIVED OR IS DEEMED TO HAVE ACCRUED, ARISEN OR BEEN RECEIVED IN THE TERRITORY OF INDIA EXCLUDING INCOME ACCRUING OR ARISING IN THE MERGED TERRITORIES AND IN THE STATES OF HYDERABAD JAMMU AND KASHMIR, MADHYA BHARAT MYSORE, PATIALA AND EAST PUNJAB STATES UNION, RAJASTHAN, SAURASHTRA AND TRAVANCORE-COCHIN. [*See* note 2 (*a*)].		
1. Salaries.—(The value of rent-free quarters and contributions by your employer to a recognised Provident Fund with interest on your and your employer's contributions and on accumulations thereof should be shown separately). (See note 8).		
2. Interest on Securities—See note 9 ..		
Interest from which tax has been deducted ..		
Interest which is tax free		
3. Property.—See note 10		
Total amount as detailed in Part VI of this Return ..		
4. Business Profession or Vocation.—See note 11 ..		
(*a*) Profits and gains as detailed in Part IV of this Return.		
(*b*) Share of profits in a registered firm		
(*c*) Share of profits in an unregistered firm or Association of persons.		

* Please state here whether the assessee is individual, Hindu Undivided Family, Firm, Company, Local Authority or an Association of persons.

Sources of income 1	Amount of income, profits or gains 2	Tax already charged or deducted at source. (*See* note 7) 3
5. *Other Sources.*—		
Dividends from companies (gross amount). See note 12		
Interest on Mortgages, Loans, Fixed Deposits, Current Accounts, etc.		
Ground Rents		
Sources other than those mentioned above (give details) See note 13 and 14.		
TOTAL OF SECTION A		
ECTION B.—INCOME NOT INCLUDED IN SECTION A, WHICH ACCRUED OR AROSE OUTSIDE THE TERRITORY OF INDIA OTHER THAN JAMMU AND KASHMIR AND WAS BROUGHT INTO THE SAID TERRITORY OR WHICH ACCRUED OR AROSE IN ANY MERGED TERRITORY OR A PART B STATE AND WAS BROUGHT INTO THE TAXABLE TERRITORIES OTHER THAN THE MERGED TERRITORY OR THE STATE CONCERNED. [See note 2 (*b*)].		
(Persons not resident in the territory of India other than the Jammu and Kashmir State should write not applicable).		
1. Out of income which accrued or arose during such previous year (give details):—		
(*a*) In any merged territory or in any of the States referred to in the head note to this Section.		
(*b*) Elsewhere		
2. Out of income which accrued or arose prior to such previous year but after 1st April, 1933 (give details) excluding such part of it as has suffered tax under the Act.		
3. Out of income accruing or arising in a merged territory or in any of the States referred to above which has been included as part of the total income in any preceding assessment but not actually charged to tax (not to be included in the total of sections A, B, C, D and E).		
TOTAL OF SECTION B		
ECTION C.—CAPITAL GAINS ON SALE, EXCHANGE OR TRANSFER OF CAPITAL ASSETS—[*See* note 2 (*c*)].		
THIS SECTION NEED BE FILLED IN ONLY IF THE RETURN IS FOR A PREVIOUS YEAR WHICH INCLUDES WHOLLY OR PARTLY ANY PERIOD FALLING BETWEEN THE FIRST DAY OF APRIL 1946 AND THE 31ST DAY OF MARCH 1948 (BOTH DAYS INCLUSIVE).		

Sources of income 1	Amount of income, profits or gains 2	Tax already charged or deducted at source. (*See* note 7) 3
(*a*) Income which accrued or arose or was received or deemed to have accrued or arisen or been received in the 'taxable territories'—(applicable to all persons). (*b*) Income which accrued or arose outside the 'taxable territories' including an Indian State. (Applicable to persons resident and ordinarily resident only. In the case of non-residents foreign capital gains are not included in total World income). (This income should be shown after deducting Rs. 4,500). (*c*) Income which accrued or arose outside the 'taxable territories' after the 31st March 1946 and before the 1st day of April 1948 and is brought into the taxable territories in the previous year. (Applicable to persons resident but not ordinarily resident).		
TOTAL OF SECTION C		
SECTION D.—INCOME NOT INCLUDED IN SECTION A OR B WHICH ACCRUED OR AROSE IN ANY-ONE OF THE MERGED TERRITORIES DURING THE PREVIOUS YEAR. [*See* note 2 (*d*)]. 1. Salaries.—(The value of rent-free quarter and contributions by your employer to a recognised Provident Fund with interest on your and your employer's contributions and on accumulations thereof should be shown separately). *See* note 8.		
2. Interest on Securities (*See* note 9) .. .. Interest from which tax has been deducted .. Interest which is tax free		
3. Property—(*See* note 10) .. .. Total amount as detailed separately in Part VI of this Return.		
4. Business Profession or Vocation. (*See* note 11) .. (*a*) Profits and gains as detailed in Part IV of this Return. (*b*) Share of profits in a registered firm .. .. (*c*) Share of profits in an unregistered firm or association of persons.		
5. Other Sources .. .. Dividends from companies (gross amount) *see* note 12 Interest on Mortgages, Loans, Fixed Deposits, Current Accounts, etc. Ground Rents .. .. Sources other than those mentioned above (give details (*See* note 13 and 14).		
TOTAL OF SECTION D		

Sources of income 1	Amount of income, profits or gains 2	Tax already charged or deducted at source. (*See* note 7) 3
SECTION E.—INCOME NOT INCLUDED IN SECTION A OR B WHICH ACCRUED OR AROSE IN THE STATES OF HYDERABAD, MYSORE, MADHYA BHARAT, PATIALA AND EAST PUNJAB STATES UNION, RAJASTHAN, SAURASHTRA AND TRAVANCORE-COCHIN. [*See* note 2 (*e*)]. 1. Salaries.—(The value of rent-free quarters and contributions by your employer to a recognised Provident Fund with interest on your and your employer's contribution and on accumulations thereof should be shown separately). (*See* note 8).		
2. Interest on Securities.—(*See* note 9) .. Interest from which tax has been deducted .. Interest which is tax free		
3. Property. (*See* note 10) .. .. Total amount as detailed separately in Part VI of this Return).		
4. Business Profession or Vocation (*See* note 11) .. (*a*) Profits and gains as detailed in Part IV of this Return. (*b*) Share of profits in a registered firm .. .. (*c*) Share of profits in an unregistered firm or association of persons.		
5. Other Sources .. .. Dividends from companies (gross amount) *See* note 12 Interest on Mortgages, Loans, Fixed Deposits, Current Accounts, etc. Ground Rents .. .. Sources other than those mentioned above (give details) (*See* notes 13 and 14.)		
TOTAL OF SECTION E		
TOTAL OF SECTIONS A, B, C, D and E being *total income*.		
SECTION F.—INCOME NOT INCLUDED IN SECTION A OR B WHICH ACCRUED OR AROSE OUTSIDE THE TERRITORY OF INDIA OR IN THE STATE OF JAMMU AND KASHMIR DURING THE PREVIOUS YEAR. [*See* note 2(*f*)] (*a*) Non-resident persons should show the full income in column 2. (*b*) Persons resident and ordinarily resident in the territory of India excluding the State of Jammu and Kashmir should show in column 2 their income after deducting Rs. 4,500. (*See* note 6.) (*c*) Persons resident but not ordinarily resident should show their income only from a business controlled in India after deducting Rs. 4,500. (*See* note 6)		
TOTAL OF SECTION F		
Total of Sections A, B, C, D, E and F being the total income or the total World Income.		

	Particulars of items	Amount Rs.
SECTION G.—IN THIS SECTION SHOULD BE SHOWN ANY INCOME, PROFITS OR GAINS WHICH ARE NOT INCLUDED IN SECTIONS A, B, C, D, E AND F BUT WHICH THE ASSESSEE CLAIMS TO BE NOT TAXABLE FOR ANY REASON SUCH AS—	1 2 3	
that the receipt is of a casual nature not arising from any business, profession, vocation or occupation, or that it is exempt under any other provision of the Indian Income-tax Act, or	4 5 6 7	
that it is not accounted for in the books of account due to non-adjustment of accounts; or for any other reason.	8	
[(*See* note 2 (g)]		
TOTAL OF SECTION G		

PART II

Statement of sums included in total income in respect of which income-tax and/or super-tax is not payable.

	Rs.
1. Earned income allowance under Section 15A (*see* note 3).	
2. Sums deducted from salary payable by the Government and to which the proviso to sub-section (1) of section 7 of the Act applies.	
3. Sums paid to effect an insurance on the life of the assessee or on the life of his wife, or her husband or in respect of a contract for a deferred annuity; or, in the case of a Hindu Undivided Family, to effect an insurance on the life of any male member or his wife. (The original receipt or Certificate from the insurance Company must be attached).	
4. Contributions to (a) any provident fund to which the Provident Funds Act, 1925, applies (b) a recognised Provident Fund or (c) an approved superannuation fund, and (d) interest on contributions to a recognised provident fund and accumulations thereof which is exempt from income-tax.	
5. Share in the income of an unregistered firm or an association of persons where the tax has already been paid or is payable on the income by the firm or association (give details).	
6. Interest on tax-free securities ..	
7. Income accruing or arising in the State of Jammu and Kashmir which is exempt unless brought into the territory of India other than the said State.	
8. Income from new Industrial undertakings exempt under section 15-C of the Indian Income-tax Act.	
9. Donations to charitable institutions and Funds. (*See* note 17).	
10. Other items, if any	
TOTAL	

125

Part III

Particulars required under sub-section (5) of Section 22 of the Income-tax Act, 1922.

(a) To be completed in the case of all persons engaged in a business, profession or vocation. In the case of a firm this section should be completed on the firm's return and not on the individual partner's returns.

Name in which the business, profession or vocation carried on, or, in the case of a firm the firm's name.

Principal place of the business, profession or vocation.

Location and style of each branch.

1.

2.

3.

(b) To be completed in the case of firms only.

Name of each partner	Address	Extent of share including interest on capital, salary, commission or other remuneration, if any. (Give details).

(c) To be completed in cases where the assessee is a partner in a firm or firms.

Name and address of the firm	Name of each partner including the assessee	Address of each partner	Share of each partner including interest on capital salary, commission or other remuneration, if any (Give details)

Part IV

Particulars of income from Business, Profession or Vocation

(1) In the case of a firm this part is to be completed in the firm's Return and not in the partner's individual returns.

(2) If the accounts are kept on the merchantile accountancy or book profit system a copy of the Manufacturing Accounts or Trading Accounts the Profits and Loss Account and Balance Sheet or trial balances must be attached to this

return. If the Accounts are kept on any other system, the name or description of the system is to be stated and a copy of any statement which corresponds to the Profit and Loss Account and Balance Sheet in the mercantile accountancy system must be attached to this return. In the case of a Company a copy of the Auditor's Report and certificate must also be attached. In the case of assessees other than company if the accounts are audited, a statement of audited accounts should accompany the return but if the accounts are not audited, a statement showing how profits have been computed from the books of account maintained for the business should accompany the return.

	Rs.	Rs.
Profit or loss as per Profit and Loss Account (or statement corresponding to the Profit and Loss Account) for the year ended 19 .		
Add—(Deduct if the above figure is a loss) .. .. Any profits or gains not included in arriving at the above figure of profit.,		
Reserve for Bad Debts		
Sums carried to reserve for provident or other funds ..		
Interest credited to reserves or other funds		
Expenditure of the nature of charity or presents ..		
Expenditure of the nature of capital		
Income-tax or Super-tax		
Drawings of proprietor or partners		
Salaries and commission paid or credited to the proprietor or partners—*See* note 18 (*a*).		
Interest allowed to proprietor or partners on capital or loan accounts—*See* note 18 (*a*).		
Rental value of the property owned and occupied ..		
Cost of additions to or alterations, extensions or improvements to any of the assets of the business.		
Losses sustained in former years and charged in arriving at the figure of profit (or loss) shown above.		

	Rs.	Rs.
Depreciation of any of the assets of the business		
Private or personal expenses		
Any other expenditure not incurred wholly and exclusively for the purpose of the business, profession or vocation. (Give details).		
Any other expenditure which is not allowable under the provisions of Section 10 of the Income-tax Act, 1922—*See* note 18 (*b*). (Give details).		
Deduct— Any profit or gains, capital sums or other items credited in arriving at the above figure of profit which are not taxable or upon which tax has already been paid. (Give details).		
Interest on security tax free		
Depreciation allowable as shown in Part V of this Return—*See* note 18 (*d*), (*e*), (*f*) and (*g*).		
Scientific Research Expenditure (if not charged in arriving at the above figure of profit). (*i*) Any expenditure (not in the nature of capital expenditure) laid out or expended on scientific research related to the business—*See* note 18 (*c*). (Give details).		
(*ii*) Any sum paid to an approved scientific research association or an approved university college or other institution for such scientific research—*See* note 18 (*c*). (Give details).		
(*iii*) Any expenditure of a capital nature on scientific research related to the business admissible under Section 10 (2) (xiv) of the Act—*See* note 18 (*c*). (Give details).		
Any other allowable expense which has not been charged in arriving at the above figure of profit. (Give details).		
Net profit (or loss—*See* note 11)—carried to Part I of this Return.		

N.B.—The above particulars should be given for each separate and distinct business, profession or vocation.

PART V

DEPRECIATION

[*See* notes 18(d), 18(e), 18(f) and 18(g)]

Statement of particulars prescribed under proviso (*a*) of Section 10(2) (*vi*) of the Income-tax Act, 1922, and of the amount of depreciation allowable.

Description of buildings, machinery, plant or furniture †	*Written down value as at the beginning of the accounting period [See note 15(d)]	†Capital expenditure during the year for additions, alterations, improvements and extensions	Date from which the additions, etc., referred to in Col. (3) are used for the purposes of the business, profession or vocation	If a plant or machinery has been sold or discarded during the year, show in this Column the *written down value as at the beginning of the accounting period and the value for which it is actually sold or its scrap value	Amount on which depreciation is now allowable	Prescribed rate per cent	Depreciation allowable	Remarks
1	2	3	4	5	6	7	8	9

* NOTES.—(1) In the case of Ocean-going ships, particulars of "original cost" instead of those of the "written down value" should be furnished.
(2) For the assessment year 1939-40, figures to be furnished are those of "Original cost" instead of those of "written down value".

†(1) Capital expenditure on new machinery or plant or new buildings erected should be shown separately and in the remarks column against each such entry, it should be indicated that initial depreciation is claimed.
(2) Show separately the depreciation allowable under Section A, D and E of this form.

(*See* NOTE 10)

Serial No.	Name of village or town where the property is situated.	Name of street and number of property.	When the property is situated in a Municipality, the name of the person in whose name the property stands in the municipal registers.	Whether the property is occupied by the owner or let.	If you are a part owner of the property state the amount of your share and the names of the other part owners and their shares.	Annual Municipal valuation of the property.	Full annual rent payable by the tenant if the property is let.	Adjustment to arrive at annual letting value		Annual letting value after adjusting for Cols. 9 and 10.	Deductions from annual letting value to arrive at net annual value.								Net annual value assessable after deducting column 20 from column 11.
								Tenant's burdens (including rates) borne by owners. Give details.	Owner's burdens (including rates) borne by tenants. Give details.		One-sixth of the annual letting value as in Col. 11.	Premium paid to insure the property against damage or destruction.	Interest on a mortgage or charge, or any annual charge on the property or interest on capital borrowed for acquiring, constructing, repairing, renewing or reconstructing property.	Ground rent paid for the property.	Land Revenue paid for the property.	Collection charges paid.	Amount claimed on account of the property remaining vacant.	Period during which the property remained vacant.	Total of columns 12 to 18.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

Total Income from property.

Less—(i) Claim for irrecoverable rent (give details separately).

(ii) Income from property erected during the period 1st April 1946 to 31st March 1952 which is exempt for a period of two years from the date of completion.

Net Income from property carried to Part I of the Return.

NOTE.—Show separately the property chargeable under section A, D and E of this form.

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130 PART VII

Particulars of Income from Capital Gains.

NOTE.—Separate statements should be attached showing in detail—

All capital assets owned by the assessee (including capital assets transferred to the wife or a minor child) as at the beginning of the previous year in three parts—

(a) Capital assets included in the Balance Sheet as at the close of the immediately preceding previous year. This statement should also show as regards depreciable assets the value against each item as included in the Balance Sheet and as regards non-depreciable assets the cost thereof.

(b) Capital assets consisting of home property included in Part VI of the Return with cost thereof against each item.

(c) Capital assets not included in statements under (a) and (b) with cost thereof against each item.

(2) All capital assets acquired during the previous year with cost of acquisition against each item. This statement should also include capital assets used for the purposes of the business which are included in Part V of the return and on which depreciation is claimed.

(3) All capital assets sold during the year with sale price against each item. The total of the sale price should be taken to the appropriate column of the tabular statement under this Part.

Full value of the consideration for which the Centre sale, exchange or transfer of capital assets is made.	Immovable property Rs.	Machinery and plant Rs.	Others Rs.	Total Rs.
Deductions—				
1. Actual cost of the capital assets sold [*See* note 17A (iv)] Give details separately.				
2. Expenditure of a capital nature incurred and borne by the assessee in making any additions or alterations (Give details separately).				
3. Expenditure incurred solely in connection with the sale, exchange or transfer.				
Less—Any option or other money received and retained by the assessee on any previous occasion.				
Total of cost and other deductions admissible.				
Amount of capital gains.				
Deduct—Loss sustained in the previous year.				
Cost of any new capital asset purchased for the same purpose as the asset sold, exchanged or transferred was being put to. [To be filled in only when an election is made in the circumstances set out in Section 12B (4) of the Income-tax Act, 1922.]				
Net amount of capital gains carried to Part I of the Return.				

I declare that to the best of my knowledge and belief the information given in the above statements in Parts I, II, III, IV, V, VI and VII of this Return is correct and complete, that the amounts of total income and total world income and other particulars shown are truly stated and relate to the year ended ....and that no other income accrued or arose or was received *me/the firm/the family/the association/the company/the local authority, during the said year and that *I/the firm/the family/the association/the company/the local authority, had during the said year no other sources of income.

I further declare that *I/the firm/the family/the association/the company, was resident and ordinarily resident/resident but not ordinarily resident/not resident, in the taxable territories during the previous year for which the Return is made.

Date

Signature

†Status

*The alternatives which are not required in the declaration should be scored out.

†The declaration shall be signed—

(a) in the case of an individual by the individual himself,
(b) in the case of a Hindu Undivided Family by the Manager or Karta,
(c) in the case of a company or local authority by the principal officer,
(d) in the case of a firm by a partner; and
(e) in the case of any other association by a member of the association.

THE SIGNATORY SHOULD SATISFY HIMSELF THAT THE RETURN IS CORRECT AND COMPLETE IN EVERY RESPECT BEFORE SIGNING THE VERIFICATION.

Notes for guidance in filling up Return Form No. I.T. 11.

Assessees are advised to read these notes carefully before filling in their returns.

The expression "British India" used formerly in the Indian Income-tax Act hereafter referred to as the Act has now been substituted by the expression "taxable territories" which means—

(a) as respects any period before the 15th day of August 1947, the territories then referred to as British India including Berar,

(b) as respects any period after the 14th day of August 1947, and before the 26th day of January 1950, the territories for the time being comprised in the Provinces of India but excluding the merged territory of Cooch-Behar,

(c) as respects any period after the 25th day of January and before the first day of April 1950, the territories comprised in part 'A' States, but excluding the merged territory of Cooch-Behar and the territories comprised in part 'C' States, but excluding the States of Manipur, Tripura and Vindya Pradesh,

(d) as respects any period after the 31st day of March 1950 and before the 13th day of April 1950 the territory of India excluding the State of Jammu and Kashmir and the Patiala and East Punjab States Union, and

(e) as respects any period after the 12th day of April 1950, the territory of India excluding the State of Jammu and Kashmir;

Provided that the taxable territories shall be deemed to include—

(a) the merged territories,—

(i) as respects any period after the 31st day of March 1949 for any of the purposes of this Act, and

(ii) as respects any period included in the previous year for the purposes of making any assessment for the year ending 31st day of March 1950 or for any subsequent year; and

(b) the whole of the territory of India excluding the State of Jammu and Kashmir,—

(i) as respects any period for the purposes of Section 4A and 4B,

(ii) as respects any period after the 31st day of March 1950 for any of the purposes of this Act, and

(iii) as respects any period included in the previous year for the purpose of making any assessment for the year ending on 31st day of March 1951 or for any subsequent year;

In these notes the expression "taxable territories" is used in the same sense as defined above.

1. On the publication of the notice referred to in section 22 (1) of the Act, every person or association of persons whose total income exceeds the maximum amount not chargeable with income-tax is required to make a return of his total income and his total world income whether or not, he has been served with an individual notice under section 22 (2) of the Act. For the maximum amount, which is not liable to income-tax in any year of assessment, reference should be made to the Finance Act enacted for that year.

Total income is the total income chargeable under the Act and total world income includes all income wherever accruing or arising except—

(i) income which is exempt under Section 4 (3) of the Act, and

(ii) any capital gain which is not includible in the total income of an assessee.

2. (a) In Section A should be shown income accruing or arising or received or deemed to have accrued, arisen or been received in Part A States and Part C States other than the merged territories included in any one of the said States.

(b) In Section B should be shown income not included in Section A which accrued or arose outside the territory of India other than Jammu and Kashmir and was brought into the said territory, or which accrued or arose in any merged territory or a Part B State and was brought into the taxable territories other than the merged territory or the State concerned.

(c) Section C relates to capital gains and need only be filled in if the previous year includes any period falling within the 1st April 1946 to 31st March 1948 and there is any capital gain in that period.

(d) In Section D should be shown income accruing or arising in the merged territories and not included in Section A or B.

(e) In Section E should be shown income accuring or arising in Part B States excluding Jammu and Kashmir and not included in Section A or B.

(f) Section F is meant for showing income which accrued or arose outside the territory of India or in the State of Jammu and Kashmir.

(g) Section G has been provided for *your* protection. When any item is discovered which is legally taxable as your income, and you have not included it in your figure of total income or total world income, then, you will render yourself liable to penalty or prosecution under section 28 or 52 of the Act, *only if* you have failed to show it even in section G.

3. If the total income of an assessee who is an individual, Hindu Undivided Family, unregistered firm or other association of persons includes any earned income as defined in Section 2(6AA) of the Act, such portion of the earned income as it specified in the Annual Finance Act, is exempt from income-tax (but not super-tax) payable by the assessee. Super-tax in these cases should be calculated at the rates and in the manner specified in the Annual Finance Act.

4. "Previous year" means for each separate source of income—

(a) the year ended on 31st March prior to the income-tax year or at the option of the assessee, the year ended on the date (prior to the 31st March) to which his accounts have been made up, or

(b) the year prescribed by the Central Board of Revenue for any case or class of cases,

Certain conditions attached to the exercise of option referred to in (a) and certain further conditions govern the determination of 'previous year' in respect of a business, profession or vocation newly set up and these are shown in clause (11) of section 2 of the Act.

For each source of income for which the previous year does not and on the 31st March the last date of the previous year should be shown.

5. *Source of income.*—The following income must be included in your return under the appropriate head :—

(a) So much of the income of your wife as arises directly or indirectly from—

(i) her membership in a firm of which you are a partner,

(ii) assets transferred directly or indirectly to her by you otherwise than for adequate consideration or in connection with an agreement to live apart.

(b) So much of the income of your minor child as arises from—

(i) his (or her) admission to the benefits of partnership in a firm of which you are a partner,

(ii) assets transferred directly to him (or her) by you otherwise than for adequate consideration unless she is a married daughter.

(c) So much of the income of any person or association of persons as arises from assets transferred by you to the person or association otherwise than for adequate consideration for the benefit of your wife or minor child or both.

(d) All income arising to any person by virtue of a settlement or disposition whether revocable or not and whether effected before or after the commencement of the Indian Income-tax (Amendment) Act, 1939, from assets which remain your property or by virtue of a revocable transfer of assets.

[Section 16(1) of the Act contains definitions of "revocable" and "settlement or disposition", and sets out also certain exceptions.]

(e) Income from assets transferred to person not resident, or, if resident not ordinarily resident for the purpose of avoiding tax in the circumstances set out in Section 44D.

(f) Income from securities, stocks or shares, which have been sold before the date of payment of interest or dividend and re-purchased subsequently in the circumstances set out in Section 44E and 44F.

6. An individual is "resident" in taxable "territories" if he—

(i) is in 'taxable territories' in that year for a period amounting in all to one hundred and eighty-two days or more ; or

(ii) maintains or has maintained for him a dwelling place in 'taxable territories' for a period or periods amounting in all to one hundred and eighty-two days or more in that year and is in 'taxable territories' for any time in that year, or

(iii) having within the four years preceding that year been in "taxable territories" for a period or periods amounting in all to three hundred and sixty-five days or more, is in "taxable territories" for any time in that year otherwise than on an occasional or casual visit ; or

(iv) is in "taxable territories" for any time in that year and the Income-tax Officer is satisfied that such individual having arrived in "taxable territories" during the year is likely to remain in "taxable territories" for not less than three years from the date of his arrival.

A Hindu Undivided Family, firm or other association of persons is resident in "taxable territories" unless the control and management of its affairs is situated wholly without "taxable territories" and

A company is resident in the 'taxable territories' in any year

(a) If the control management of its affair is situated wholly in 'taxable territories' in that year, or

(b) If the income arising in 'taxable territories' in that year, exceeds its income arising without the 'taxable territories' in that year, account not being taken in either case of income chargeable under the head "Capital gains".

An individual is ordinarily resident in 'taxable territories' if he has been resident as defined above in nine out of ten years preceding that year and has been in "taxable territories" for periods amounting in all to more than two years during the seven years preceding that year.

A Hindu Undivided Family is deemed to be ordinarily resident in 'taxable territories', if its manager is resident in "taxable territories".

A company, firm or other association of persons is "ordinarily resident" in "taxable territories" if it is resident in "taxable territories".

7. *Tax already charged or deducted at source.*—In this column enter separately the tax paid to any one of the States, if any. Super-tax deducted at source should also be shown separately (Unless in the case of a salaried person, the assessee is unaware of the allocation between income-tax and super-tax). In the case of a dividend from a company the tax to the entered is the tax appropriate to that part of the dividend which has borne income-tax and

should be calculated at the rate in force for the year in which the dividend was paid and in the State concerned. Where this figure of tax is not known, it should be estimated and the word 'estimated' written below the figures along with the name of the State concerned, if any. The correct figure will then be computed in the Income-tax Office. If any tax deducted at source is in excess of the amount on which you are chargeable the excess will be deducted from any other tax payable by you provided that certificates of tax deducted are attached to the return.

8. "Salaries" includes wages, pensions, annuities, gratuities, fees, commission allowances, perquisites, value of rent free quarters and profits received in lieu of or in addition to salary or wages. The full amount should be entered and not net amount after deducting income-tax, your provident fund contribution, etc.

Income chargeable under this head is the amount of salary actually received or the amount due whether paid or not. An advance of salary is to be treated as salary due on the date on which the advance is received.

If by the conditions of your employement you are required to spend any sum out of your remuneration wholly, necessarily and exclusively in the performance of your duties, you may claim a deduction for such a sum and should give particulars. Travelling expenses from your residence to your place of employment are not allowable.

A payment received by you as an employee from your employer or former employer or from a provident or other fund is taxable to the extent to which it does not consist of the return of your own contributions or the interest thereon. Payments made solely as compensation for loss of employment and certain payments from provident funds to which the Provident Funds Act of 1925 applies, from a recognised provident fund or from an approved superannuation fund are exempted.

9. "Interest on securities" means interest on promissory notes or bonds issued by the Government of India or any State Government or the interest on debentures or other securities issued by or on behalf of a local authority or company. The gross amount before deduction of Income-tax should be entered.

Entries under this head should be accompanied by the certificate issued by the person paying the interest under Section 18 (9) of the Act.

Deductions are allowable in respect of—

(a) commission charged by a banker for collecting the interest,

(b) interest payable on money borrowed for the purpose of investment in the securities except certain interest payable to persons abroad from which tax has not been deducted (see Section 8 of the Act for details). Full particulars (in a separate statement if necessary) should be given of any deduction of claimed.

10. *Property.*—The tax is payable under this head in respect of *bona fide* annual value of all the buildings or lands appurtenant thereto of which you are the owner other than such portions of such buildings and lands as you occupy for the purposes of your business, profession or vocation the profits of which are assessable to tax. In arriving at the *bona fide* annual value, add to the full rent payable by the tenant to the owner such rates and taxes paid by him as are releviable on property and are to be borne by the owner and deduct such taxes for services as are payable by the tenant but for convenience are borne by the owner.

Income from a building, the erection of which is begun and completed between the 1st day April 1946 and 31st March 1952, both days inclusive,

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is exempt from income-tax for a period of two years from the date of completion of the building.

11. *Business, profession or vocation.*—For the purpose of completing items, 4(b) and 4(c) of Part I, the share of a partner is to be determined as follows :

(i) The share is the share to which he was actually entitled during the previous year and not the share to which he was entitled on the date on which the assessment is to be made.

(ii) It includes all interest (whether on loan or capital account and whether actually paid or not) and all salary, commission or other remuneration paid, payable or credited to him.

Losses are to be computed in like manner as profits and the balance of any loss made in the previous year which cannot be set off wholly against other income for the same year can be carried forward and set off against the profits of the *same* business, profession or vocation of the following year.

Local authorities.—The income of local authorities which is chargeable to income-tax is the profits and gains from a trade or business carried on by those authorities other than income arising from the supply of a commodity or service within its own jurisdictional area.

12. *Dividends from companies.*—The gross amount should be entered after adding to the net sum received income-tax computed as explained in note 7 above. Such portion of the dividend as is attributable to income exempt in the hands of the company such as agriculture income, is taxable in the hands of the share-holder as it is not agricultural income in his hands.

13. Income from agriculture from land not paying land revenue or local rates to an authority in " taxable territories " and all agricultural income arising outside the " taxable territories " should be included under this head if received in " taxable territories ". Income from agricultural lands even if paying land revenue or local rates is assessable and should be shown if the lands in question are not used for agricultural purposes.

14. Remittances received by a wife resident in " taxable territories " from her non-resident husband are deemed to be income accruing in " taxable territories " and must be included in her return if they are not paid out of income included in her husband's total income.

15. *Non-residents.*—Income-tax including super-tax is payable on all incomes accruing or arising or deemed to accrue or arise in " taxable territories " during the previous year and on all incomes received or deemed to be received in ' taxable territories ' during that year. If he is a British subject or a citizen of India income-tax is computed by reference to the average of the rates appropriate to his total world income. The income of other non-resident persons is chargeable at the full company rate. In the case of all non-resident persons super-tax is chargeable at the average rates appropriate to the total world income. Foreign capital gains are not included in the total world income of non-resident persons.

16. A dividend paid by an Indian Company without " taxable territories " is deemed to be income accruing and arising in ' taxable territories ' to the extent to which it has been paid out of profits subjected to income-tax in ' taxable territories '.

17. Under Section 15B of the Act the tax is not payable by an assessee in respect of any sums paid by him after 1st April 1948 as donations to any institution or fund which is established in the ' taxable territories ' for a charitable purpose and is approved by the Central Government provided—

(i) the total amount of donation paid in any year is not less than Rs. 250 ;

(ii) aggregate of any sums exempted does not exceed 1/20th in the case of a company and 1/10th in any other case of the total income as reduced by any portion thereof exempt from tax.

(iii) the amount of donation exempted does not, in any case, exceed Rs. 2½ lakhs.

This exemption will be admissible both in respect of income-tax and super-tax except in the case of a company which is not exempt from super-tax on the amount of donations paid by it. The relief in tax on account of exemption of these donations shall not, in any case, exceed half the amount in respect of which exemption is allowed.

"Charitable purposes" as defined in the Act includes relief of the poor, education, medical relief and the advancement of any object of general public utility. A list of the institutions and funds approved by the Central Government has been published in the *Gazette of India*.

It may however be added that any sum paid during the previous year as donation to the fund known as the Gandhi National Memorial Fund is exempt from tax in full and not to the extent specified above.

18. Under section 15C the income of all new industrial undertakings which satisfy the conditions laid down in sub-section (2) would be exempt up to 6 *per cent per annum* on the capital employed. The concession applies to all new undertakings except any particular industrial undertakings which the Central Government may by notification exclude from the concession.

It should be noted that—

(1) the profits in excess of 6 per cent on the capital employed are taxable;

(2) the profits exempt are to be included for purposes of determining the rate at which tax is payable on profits not exempt.

(3) the dividends paid out of the exempt profits are exempt in the hands of the shareholders proportionately;

(4) the exempt income is to be taken into account in determining the applicability of section 23A in the case of any company.

19. *Part IV.*—(a) In computing the profits or gains of a partnership all sums paid or credited to a partner must be disallowed. These sums will be taken into account in allocating the gross income of the business between the partners to ascertain the individual share of each partner. All sums of interest, salary or commission will, thus, be included in the partner's share of the firm's income and the partner will not be assessed again on that interest, salary or commission as such.

(b) Attention is particularly drawn to the provisions of Section 10 (2) (iii) and Section 10 (4) (a) of the Act which prohibits the deduction of any payment of interest chargeable under the Act which is payable without the "taxable territories" except interest on which tax has been paid or from which tax has been deducted or in respect of which there is an agent who may be assessed under Section 43 or any payment chargeable under the head "salaries" if it is payable without the "taxable territories" and tax has not been deducted. An exception is made in the case of interest on loan issued for public subscription before 1st April 1938.

(c) Under Section 10 (2) (xii), (xiii) and (xiv) of the Act, revenue expenditure incurred by the assessee on scientific research related to a business

or to the class of business carried on and sums paid to research associations or institutions will be allowed in the assessment of the profits of the year in which the expenses were incurred. Capital expenditure on scientific research will be allowed in five consecutive equal instalments and allowance will be given also in respect of such expenditure incurred not more than three years before the commencement of the business. Any expenditure on scientific research incurred in the pervious year for the assessment year 1945-46 is admissible as a deduction in the assessment year 1946-47 but not in any subsequent year of assessment.

(d) *Depreciation.*—In the case of assets other than ships, depreciation allowance is to be calculated at prescribed rates on the basis of "written down value". The "written down value" is to be computed in accordance with the provisions of sub-section (5) of Section 10. In the case of ships, the allowance is to be calculated on the basis of original cost.

(e) Under Section 10 (2) (vi) of the Act, special initial depreciation will be admissible in respect of new buildings, plant and machinery. In the case of buildings, the rate is 10 per cent of the cost except in the case of buildings erected in the period 1st April 1946 and 31st March 1952 for which it is 15 per cent. In the case of plant and machinery the rate is 20 per cent. The allowance will not be deducted in computing the "written down value".

(f) Under Section 10 (2) (vi) (a) double the normal depreciation allowance is admissible in respect of buildings newly erected or machinery or plant being new which has been installed after the 31st day of March 1948. This double depreciation is admissible for five assessment years 1949-50, 1950-51, 1951-52, 1952-53 and 1953-54.

(g) Under rule 8 of the Indian Income-tax Rules as amended in August 1949 an extra allowance upto a maximum of 50 per cent of the normal allowance will be allowed where a concern claims such allowance on account of double shift working. An extra allowance upto a maximum of 100 per cent of the normal allowance instead of 50 per cent will be allowed where a concern proves that there has been triple shift working. The calculations of the extra allowance for double shift and treble shift are to be made separately proportionate to the number of days during which there was only double shift working and during which there was triple shift working. For further details a reference may be made to rule 8 referred to above.

20. General directions :

(a) The form must be filled in and signed in ink. Losses may be shown in red ink.

(b) Figures only are to be inserted in columns (2) and (3) of Part I and should not be modified by words such as "about" "approximately" except as stated in note 7. The word "nil" must be entered in column (2) in Part I against each source from which you did not derive any income.

(c) If you spoil this form, ask your Income-tax Officer for another. Erasures should not be made. You should sign your own name in full against any alteration.

Form of return of particulars to be furnished under Section 38 of the Indian Income-tax Act, 1922 (*See* paragraph 5 of notice).

(a) To be filled up in the case of firms only. If this information is already given in Part III of the Return under Section 22 of the Indian Income-tax Act, 1922, write "*See* Part III" in the section.

Firm's name .....

Address .....

Names of partners	Address

Date Representative's Signature.....

Designation .....

(b) To be filled up in the case of Hindu Undivided Families only.

Name of family.....

Address.....

Serial No.	Names of adult male members of family	Address
	(Manager or Karta)	
1		
2		
3		
4		
5		
6		

Representative's Signature.....

Date.....

Designation.....

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(c) To be filled up by Trustees, Guardians or Agents only.

Names and addresses of persons for whom the assessee is the trustee, guardian or agent		Whether trustee, guardian or agent
Name	Address	

Signature .....

Date Designation .....

Address .....

(d) Statement of the names and addresses of all persons to whom assessee has paid in previous year rent, interest, commission, royalty or brokerage or any annuity (not being an annuity taxable under head "Salaries") amounting to more than four hundred rupees and particulars of all such payments.

Serial No.	Name and address of the person to whom the payment was made	Nature of payment	Amount paid	Date of payment	Whether paid in cash or by book adjustment
1					
2					
3					

Signature .....

Date Address .....

(c) (To be filled in by any dealer, broker or agent or any person concerned in the management of stock or commodity exchange).

Statement of the names and addresses of all persons to whom the assessee has paid in the previous year—

(1) any sum or aggregate sums in excess of two thousand rupees where the payment represents "differences" paid in settlement of contracts without actual delivery of stocks or commodities; and

(2) any sum or aggregate sums in excess of ten thousand rupees where the payment represents sale price in connection with the sale, exchange, or transfer of capital assets or on whose behalf or from whom the assessee has received any such sum and particulars of all such payments and receipts.

(The question whether any payment or receipts relate to "capital assets" is a matter to be decided by the Income-tax Officer. The persons required to make the statement should treat all payments and receipts as pertaining to capital assets.)

(Separate statements should be made for payments and receipts).

Serial No.	Name and address of the person to whom the payment was made or on whose behalf or from whom the payment was received	Particulars of the transaction in connection with which the payment was made or received	Amount paid or received	Date of payment or receipt	Whether paid or received in cash or by book adjustment
1					
2					
3					
4					

Signature .....

Date.....

Address .....

[No. 118.]

PYARE LAL, Secy.

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NOTIFICATION

No. L.D. 2580—Legis. 4-50-70, dated Bangalore, 6th December 1950.

Ordered that the following Notification No. S.R.O. 694, dated the 19th September 1950 of the Ministry of Communications amending the Indian Aircraft Rules, 1934, published in the *Gazette of India*, Part II, Section 3, dated the 30th September 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS

New Delhi, the 19th September 1950

S.R.O. 694.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1943 (XXII of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Aircraft Rules, 1920 the same having been previously published in required by section 14 of the said Act, namely :—

For rule 61 of the Rules, the following shall be substituted, namely :—

"61. *Forced landings.*—(1) If any aircraft arriving from a place outside India is forced to land at any place in India other than a customs aerodrome, or if any aircraft is so forced to land after departure from a customs aerodrome for a foreign destination, the procedure hereinafter specified shall be adopted.

(2) (a) If the place of landing is a Government aerodrome the person in charge of the aircraft shall forthwith report the arrival of the aircraft and the place whence it came to the Aerodrome Officer in charge of the aerodrome and shall not allow any goods to be unloaded therefrom or any passenger or member of the crew thereof to leave the aerodrome, without the consent of such Aerodrome Officer or a Customs-Collector or a Police Officer ;

(b) if the place of landing is not a Government aerodrome, the person in charge of the aircraft shall forthwith report to a Customs-Collector or a Police Officer and shall on demand produce to such Collector or officer the journey log book pertaining to the aircraft, and shall not allow any goods to be unloaded therefrom without the consent of such Customs-Collector or Police officer, and no

passenger or member of the crew thereof shall leave the immediate vicinity without the consent of such Collector or officer;

(c) if the locality is one in which no Customs-Collector or Police officer is available, no passenger or member of the crew of the aircraft shall leave the immediate vicinity, nor shall any goods be unloaded, without the consent of the person in charge of the aircraft. The latter shall make in his journey log book a full statement of the action taken, and shall forthwith report the occurrence to the Customs-Collector and the Aerodrome Officer at the nearest customs aerodrome.

[No. 10-A/17-50.]

P. K. ROY, Dy. Secy.

NOTIFICATION

No. L.D. 2582—Legis. 4-50-71, dated Bangalore, 6th December 1950.

Ordered that the following Notification No. S.R.O. 697, dated the 26th September 1950 of the Ministry of Rehabilitation amending the Displaced Persons (Registration of Claims) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 30th September 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION

Delhi, the 26th September 1950

S.R.O. 697.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to direct that the following amendment shall be made in the Displaced Persons (Registration of Claims) Rules, 1950:—

"In rule 4 of the said Rules, after the word "Treasury receipt" the following words shall be inserted:

"or Money Order receipt".

[No. I (I)/CCC/G-50.]

S. B. CAPOOR, Joint Secy.

144

NOTIFICATION

No. L.D. 2586—Legis. 4-50-74, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 246, dated the 13th October 1950 of the Ministry of Defence amending the Government Premises (Eviction) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 13th October 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF DEFENCE

New Delhi, the 13th October 1950

S.R.O. 246.—In exercise of the powers conferred by Section 10 of the Government Premises (Eviction) Act, 1950 (XXVII of 1950), the Central Government is pleased to direct that the following amendments shall be made in the Government Premises (Eviction) Rules, 1950, namely :—

In the said rules :—

(a) after sub-rule (1) of rule 3, the following sub-rule shall be inserted, namely :—

"1 (A). Where any objections are filed to the assessment of damages in response to a notice issued in Form B, the competent authority shall investigate them and shall pass such orders thereon as it may deem fit".

(b) For rule 5, the following rule shall be substituted, namely :—

"*Assessment of damages.*—In assessing damages under section 4 of the Act the competent authority shall take into consideration the following matters, namely :—

(a) the purpose and the period for which the Government Premises were in unauthorised occupation ;

(b) the nature and the quality of the accommodation available in such premises ;

(c) the rent that would have been realised if the premises had been let on rent for the period of unauthorised occupation ;

(d) any injury done to the premises during the period of unauthorised occupation ;

(c) any other matter which, in the opinion of the competent authority, is relevant for the purpose of assessing the damages."

(c) In Form B for the words from "failing which the said amount" to "arrears of land revenue", the following words shall be substituted :—

"or if you do not accept the assessment of damages, you may file objection in writing thereto so as to reach me before the expiry of the above period. If the amount is not paid or the objections are not filed within the time specified above, the damages assessed by me will be recovered from you as arrears of land revenue"

[No. 21/E.]

H. M. PATEL, Secy.

NOTIFICATION

No. L.D. 2587—Legis 4-50-75, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 755, dated the 10th October 1950 of the Central Board of Revenue amending the Indian Income-tax Rules, 1922, published in the *Gazette of India*, Part II, Section 3, dated the 14th October 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 10th October 1950

S.R.O. 755.—In exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely :—

After Rule 1 of the said Rules, the following rule shall be inserted, namely :—

"1A. They extend to the whole of India, except the State of Jammu and Kashmir."

[No. 123.]

PYARE LAL, Secy.

146 NOTIFICATION

No. L.D. 2589—Legis. 6-50-58, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 837, dated the 21st October 1950 of the Ministry of Industry and Supply amending the Cotton Textiles (Control) Order, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 4th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 21st October 1950.

S.R.O. 837.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following amendments shall be made in the Cotton Textiles (Control of Movement) Order, 1948, namely :—

In the said Order :—

(1) for sub-clause (ii) of clause 1 the following sub-clause shall be substituted, namely :—

"(ii) It extends to the whole of India except the State of Jammu and Kashmir."

(2) After clause 1 the following clause shall be inserted, namely :—

"1A. All Notifications, Orders and general permits issued under this order which immediately before the 21st October 1950 were in force in certain parts of India are hereby extended to and all be in force in the rest of India except the State of Jammu and Kashmir."

(3) Clause 10 shall be renumbered as sub-clause (1) of that clause and after the sub-clause as renumbered the following sub-clause shall be inserted, namely :—

"(2) Any Order corresponding to this Order and in force in any Part B State is hereby repealed."

[No. 15-Tex.I/49]

K. RAM, Dy. Secy.

147

NOTIFICATION

No. L.D. 2590—Legis. 4-50-80, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 851, dated the 31st October 1950 of the Ministry of Rehabilitation amending the Displaced Persons (Registration of Claims) Rules, 1950, published in the *Gazette of India,* Part II, Section 3, dated the 4th November 1950, be republished in the *Mysore Gazette,* for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION

New Delhi, the 31st October 1950

S.R.O. 851.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to direct that the following amendment shall be made in the Displaced Persons (Registration of Claims) Rules, 1950 :—

In the proviso to sub-rule (i) of rule 3 of the said rules, after clause (ii) the following clause shall be inserted, namely :—

"(iii) That a claim may be submitted by registered post to the Joint Chief Claims Commissioner after the period prescribed by or under this rule but so as to reach him not later than the 31st December 1950 and the Joint Chief Claims Commissioner may, if the claim is in proper form, register it, if he is satisfied that the claimant had sufficient cause for not submitting the claim within the aforesaid period."

[No. 1 (1) /CCC/G-50.]

S. B. CAPOOR,
Joint Chief Claims Commissioner and Joint Secy.

148

NOTIFICATION

No. L.D. 2591—Legis. 4-50-81, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 853, dated the 26th October 1950 of the Ministry of Communications amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 4th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 26th October 1950

S.R.O. 853.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government is pleased to direct that with effect from the 1st October 1950, the following further amendments shall be made in the Indian Post Office Rules, 1933, namely :—

(a) In rule 1 in the said rules—after the entries below the heading 'Other letters' and before the heading 'Postcards' and the entires thereunder, the following new heading and entries shall be inserted, namely :—

"*Letter cards*

For a letter card.....One and half annas."

(b) For rule 2 the following shall be substituted :—

"2. (1) For inland letters, inland letter cards and postcards whether registered or unregistered posted for transmission at any post office in India, no additional air mail fee shall be chargeable.

(2) On inland postal articles other than letters, letter cards, postcards and parcels posted for transmission at any post office in India an air-mail fee of one anna per tola or part thereof shall be chargeable, in addition to the postage in the case of an unregistered article and in addition to the postage and registration fee in the case of a registered article.

(3) The pre-payment of at least 25 per cent of air mail fee is obligatory."

(c) Below rule 11 the following shall be inserted :—

"11/A. Letter cards of private manufacture may be transmitted by post as letter cards provided :—

(i) Postage is prepaid in full.

(ii) They closely resemble the official stationery and the design has been approved by the Head of the Circle. Indications of such approval must appear in the design ; and

(iii) A stamp or stamps to the value of one anna and six pies are affixed on them."

(d) In rule 13 after sub-rule (4) the following shall be inserted as sub-rule (5) :—

"(5) Nothing shall be attached to or enclosed in a letter card."

(e) After rule 14 the following rule shall be inserted as rule 14-A :—

"14-A. Should a letter card be posted without the postage having been prepaid in full, it shall be treated as a letter and double the deficiency at letter postage shall be recovered."

(f) In sub-rules (1) and (2) of rule 15, after the word 'letters' the words 'letter cards' shall be inserted.

(g) In rule 58 after the word 'letters' the words 'letter cards' shall be inserted.

(h) In rule 182 after the word 'postcard' the words 'letter cards' shall be inserted.

(i) In sub-rule (1) of rule 186 after the word 'letters' the words 'letter cards' shall be inserted.

(j) In rule 193 before the word 'postcards' the words 'letter cards and' shall be inserted.

(k) In rule 196 after the word 'letters' the words 'letter cards' shall be inserted.

(l) In sub-rule (1) of rule 197 after the word 'letter' the words 'letter card' shall be inserted.

(m) In sub-rule (2) of rule 197, after the word 'letters' the words 'letter cards' shall be inserted.

(n) In rule 201 after the words 'Inland letters' the words 'letter cards' shall be inserted.

[No. R. 1-31/49.]

K. V. VENKATACHALAM, Dy. Secy.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H. A. 9685—Pol. 114-50-9, Bangalore, dated the 17th January 1951.

In exercise of the powers conferred by Sections 4 and 12 of the Mysore Arms Act, 1890 (Mysore Act VI of 1890), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Arms Rules, 1926, namely:—

1. For Rule 4 of the said Rules, the following Rule shall be substituted, namely:—

4. (*a*) All sections of the Act are extended to sulphur in quantities exceeding ten seers, asphyxiating poisonous, irritant, or other gases and analogous liquids, materials or devices, chlorates and perchlorates. "Extension.

(*b*) Leaden birdshots and bullets when possessed in quantities exceeding one cwt., at any time, asphyxiating poisonous, irritant or other gases and analogous liquids, materials or devices, chlorates and perchlorates, shall be deemed to be military stores within the meaning of the Act."

2. In clause (*c*) of sub-rule (2) of Rule 5 of the said Rules, for the words "Chlorates transported", the words 'Chlorates and perchlorates transported' shall be substituted.

3. In the Table annexed to Schedule II to the said Rules, after items, the following item shall be inserted, namely :—

Column 1	*Column 2*
"6. Perchlorates possessed or sold by *bona fide* medical practitioners and dispensing chemists in accordance with such conditions as may be prescribed by the Government. (*a*) One of the conditions shall be that *bona fide* medical practitioners and dispensing chemists do maintain a register of all stock of perchlorates held by them and do also show therein all sales in excess of two ounces. (*b*) Where a licence is granted for the possession of Potassium perchlorate by an Educational Institution, the following further conditions shall apply :— (*i*) The quantity of perchlorate stored should be the minimum required for laboratory purposes as certified by the Head of the Institution to the licensing authority. (*ii*) The stock of perchlorate possessed should be kept in a well-made cupboard or almirah under lock and key under the control and supervision of a responsible member of the staff and the place where the chemicals are kept should be adequately secured. (*iii*) Accounts of issues and balances of perchlorate possessed should be maintained and checked up with reference to the actual stock at frequent intervals by a responsible member of the staff. The account book should be available for inspection on demand by any Magistrate or any Police Officer not below the rank of an Inspector."	Those contained in Sections 5 and 9."

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

No. L. 10616—Ml. 167-50-2, Bangalore, dated 17th January 1951.

In exercise of the powers conferred by Section 58-B of the Mysore Village Panchayet Act, 1926 (Mysore Act II of 1926) and Section 102 of the Mysore District Boards Act, 1926 (Mysore Act III of 1926), His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made in the Rules made for the

administration of the area included in the "Lakshmipura Sanitary Board, Arsikere" issued in Notification No. L. 5062—Ml. 150-49-4, dated the 22nd November 1949, namely :—

For sub-rule (2) of rule 13 of the said Rules, the following sub-rule shall be substituted, namely :—

"(2) The Board fund over and above what is invested as provided for in sub-rule (1), shall be kept in the Government Treasury of the District or with the sanction of the State Government in any other Bank at Arsikere".

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Local Self-Government Department.

No. L.S. 3696—L.W. 143-48-10, Bangalore, dated 17th January 1951.

In exercise of the powers conferred by sub-section (2) of Section 10 of the Mysore Factories Act, 1936 (Mysore Act I of 1936), and in supersession of paragraph 2 of Development Department Notification No. D. 10343—I & C. 354-38-2, dated 27th May—9th June 1939, His Highness the Maharaja of Mysore is pleased to appoint the Commissioner of Labour in Mysore as the Chief Inspector of Factories with jurisdiction over the whole State and to empower him to administer all the provisions of the said Act.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

No. S. R. 6612—Ex. 29-50-13, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clause (*a*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1289—Ex. 42-48-2, dated the 2nd September

1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspector-General of Police in Mysore, Bangalore, as the Commissioner for the purposes of the said Act and to direct that he shall exercise all the powers of a Deputy Commissioner under the said Act and have control of administration of the provisions of the said Act in such areas.

By Order of His Highness the Maharaja,

No. S. R. 6619—Ex. 29-50-14, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clause (*b*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1290—Ex. 42-48-3, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint, subject to the general control of the Deputy Commissioner of the District, the following District Superintendents of Police and Assistant Superintendents of Police to exercise within their territorial jurisdiction all the powers and perform all the duties of a Deputy Commissioner under the said Act, except those under Sections 22 and 23 of the said Act.

1. District Superintendent of Police, Kolar District, Kolar.
2. District Superintendent of Police, Tumkur District, Tumkur.
3. District Superintendent of Police, Chitaldrug District, Chitaldrug.
4. District Superintendent of Police, Chikmagalur District, Chikmagalur.
5. District Superintendent of Police, Shimoga District, Shimoga.
6. Special Superintendent of Police, Kolar Gold Fields.
7. Assistant Superintendent of Police, Tiptur Sub-Division, Tiptur.
8. Assistant Superintendent of Police, Davangere Sub-Division, Davangere.
9. Assistant Superintendent of Police, Sagar Sub-Division, Sagar.

By Order of His Highness the Maharaja,

No. S R. 6622—Ex. 29-50-15, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clauses (*d*) and (*f*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1291—Ex. 42-48-4, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspectors of Police and Sub-Inspectors of Police to be *ex-officio* Prohibition Officers and to exercise within their respective jurisdictions all the powers and to perform all the duties of a Prohibition Officer under the said Act.

By Order of His Highness the Maharaja,

No. S.R. 6625—Ex. 29-50-16, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clauses (*d*) and (*f*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notifications Nos. (1) S.R. 3502-3—Ex. 85-49-4, dated the 4th February 1950, (2) S.R. 3504-5—Ex. 85-49-3, dated the 4th February 1950, and (3) S.R. 3506-7—Ex. 85-49-5, dated the 4th February 1950, His Highness the Maharaja of Mysore is pleased to appoint the Inspector of Police and the Sub-Inspectors of Police of the Central Intelligence Bureau, to be Prohibition Officers and to exercise all the powers, except the power under Section 31 of the said Act and to perform all the duties of a Prohibition Officer under the said Act.

By Order of His Highness the Maharaja,

No. S. R. 6629—Ex. 29-50-17, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 2819—Ex. 42-48-8, dated 14th December 1948, His Highness the Maharaja of Mysore is pleased to appoint the Police Daffedars of the Police Department as Prohibition Guards within their respective jurisdictions.

By Order of His Highness the Maharaja,

No S.R. 6632—Ex. 29-50-18, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), His Highness the Maharaja of Mysore is pleased to direct that Notification No. S.R. 2816—Ex. 42-48-5, dated 14th December 1948, shall be cancelled.

By Order of His Highness the Maharaja,

No. S. R. 6635—Ex. 29-50-19, Bangalore, dated the 20th January 1951.

In exercise of the powers conferred by Section 30 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), His Highness the Maharaja of Mysore is pleased to direct that Notification No. S. R. 2818/Ex. 42-48-7, dated 14th December 1948, shall be cancelled.

By Order of His Highness the Maharaja,

No. S. R. 6636—Ex. 29-50-20, Bangalore, dated the 20th January 1951.

In exercise of the powers conferred by Sections 32 and 33 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), His Highness the Maharaja of Mysore is pleased to direct that Notification No. S. R. 2817/Ex. 42-48-6, dated 14th December 1948, shall be cancelled.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government,

Revenue Department.

No. S.D. 5827—C. 120-50-4, Bangalore, dated 15th January 1951.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Government of India, Ministry of Food, Notification No. S.R.O. 703, dated the 4th October 1950, and with the concurrence of

the Government of India, His Highness the Maharaja of Mysore is pleased to cancel with immediate effect Notification No. S.D.C. 120—C. 84-43-2, dated 5th October 1943, prohibiting the export of Butter from any place in the State to any place outside the State.

By Order of His Highness the Maharaja,

No. C. 1315—Co. 23-50-6, Bangalore, dated the 20th January 1951.

In exercise of the powers conferred by Clause (*c*) of sub-section (1) of Section 3 of the Hoarding and Profiteering Prevention Act, 1948 (Mysore Act No. LX of 1948), His Highness the Maharaja of Mysore is pleased to direct that in Notification No. C. 617—Co. 23-50-2, dated the 7th August 1950, fixing the maximum prices which may be charged by a dealer in respect of Infant and Invalid foods which are manufactured by Messrs. Parry & Co., and Messrs. Glaxo Laboratories (India), Ltd.

Item No. 1 under the distributors name "Parry & Co." and items Nos. 4 and 5 under distributors name "Glaxo Laboratories (India), Ltd.", shall be omitted.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,

Food and Agricultural Departments.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, MONDAY, JANUARY 22, 1951.

PART IV

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. 4972—L.A. dated Bangalore, 19th January 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Sales-Tax (Amendment) Bill, 1950 with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

158

REPORT OF THE SELECT COMMITTEE ON THE MYSORE SALES-TAX (AMENDMENT) BILL, 1950.

We, the members of the Select Committee to which the Mysore Sales-Tax (Amendment) Bill was referred have considered the several clauses of the Bill and have the honour to submit this our report.

We recommend that the words "wherever it occurs" in clause 2 may be omitted as the word "civil" occurs only once in section 22.

The Bill was published in the *Mysore Gazette* Extraordinary dated 14th August 1950. In our judgment the Bill has not been so altered as to require republication.

H. C. DASAPPA (*Chairman*).
H. B. GUNDAPPA GOWDA.
V. S. NARAYANA RAO.
W. H. HANUMANTHAPPA.
M. N. MAHANTH DEVARU.

Sri A. Bheemappa Naik and Janab Mohamed Hanief were absent at the meeting of the Select Committee.

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THE MYSORE SALES-TAX (AMENDMENT) BILL, 1950.

A Bill further to amend the Mysore Sales-Tax Act, 1948.

WHEREAS it is expedient further to amend the Mysore Sales-Tax Act, 1948, (Mysore Act XLVI of 1948), for the purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows :

1. (1) This Act may be called the Mysore Sales-Tax (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In section 22 of the Mysore Sales-Tax Act, 1948, (hereinafter referred to as the said Act), the word "Civil" * * * shall be omitted. Amendment of section 22 of Act XLVI of 1948.

3. For sub-section (3) of section 24 of the said Act, the following sub-section shall be substituted, namely :— Amendment of section 24 of Act XLVI of 1948.

"(3) Nothing in this section shall apply to the disclosure of any of the particulars referred to in sub-section (1) ;

(*a*) for the purposes of a prosecution under the Indian Penal Code, in respect of any statement, return, accounts, documents or evidence, or for the purposes of a prosecution under this Act ; or

(*b*) to an officer of the Central Government, as may be necessary, for the purpose of enabling that Government to levy or realise any tax imposed by it."

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.

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NOTIFICATION.

No. 4978—L.A. dated Bangalore, 19th January 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Wareh uses Bill, 1950 with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE WAREHOUSES BILL, 1950.

We, the members of the Select Committee to which the Mysore Warehouses Bill, 1950, was referred, have considered the Bill in detail and have the honour to submit this our report.

1. We recommend that in item (2) of Clause 2, for the words "raw produce" the words "agricultural and other raw produce" may be substituted.

2. For item (*g*) of sub-clause (2) of Clause 43, we recommend that the following item be substituted :

"(*g*) the constitution of the Board of Arbitrators and the procedure to be followed in proceedings before the Board and the mode of executing their award ;"

The Bill was published in the Gazette Extraordinary, dated 14th August 1950.

In our opinion the Bill has not been so altered as to require republication.

T. MARIAPPA (*Chairman*).
B. N. BORANNA GOWDA.
T. MADIAH GOWDA.
B. C. NANJUNDAIYA.
SYED ABDUR RAHMAN.
M. V. KRISHNAPPA.
H. M. MALLIKARJUNAPPA.
L. SIDDAPPA.
T. C. HONNAPPA.
GOVINDA DAS.
W. H. HANUMANTHAPPA.
MOHAMED VALIULLA.

Sri S. R. Guru and Sri B. Hutche Gowda were absent at the meeting of the Select Committee.

[As amended by the Select Committee.]

(Words underlined indicate the amendments suggested by the Committee. Omissions are indicated by asterisks.)

THE MYSORE WAREHOUSES BILL, 1950.

A Bill to provide for the regulation and licensing of Warehouses in the State of Mysore.

Whereas it is expedient to encourage the establishment of warehouses and make provision for their proper supervision and control; Preamble.

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Warehouses Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once; and the rest of this Act shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "depositor" means a person who tenders his goods to a warehouseman for storing in his warehouse and shall include any person who lawfully holds the receipt issued by the warehouseman in respect of the goods and derives title to it by proper endorsement or transfer from the depositor or his lawful transferee;

(2) "goods" shall include agricultural and other raw produce, manufactured articles and merchandise;

(3) "prescribed" means prescribed by rules made under this Act;

(4) "prescribed authority" means, in relation to any provision of this Act, the authority prescribed by rules to carry out such provision;

(5) "receipt" means a warehouse receipt in the prescribed form issued by a warehouseman to a depositor

showing that certain goods described therein have been deposited in his warehouse;

(6) "rules" mean rules made by the State Government under this Act;

(7) "warehouse" means any building, structure or other protected enclosure which is or may be used for the purpose of storing goods; but does not include cloak rooms attached to hotels, railway stations, the premises of other public carriers and the like;

(8) "warehouseman" means a person who carries on the business of storing produce or goods on behalf of depositors and issues receipts for the goods stored in his warehouse.

CHAPTER II.

LICENSING OF WAREHOUSES.

Warehouseman not to carry on business without licence.

3. No person shall, without a licence, carry on the business of a warehouseman or hold himself out as a warehouseman.

Application.

4. Every person desirous of carrying on the business of a warehouseman shall take out a licence for the conduct of such business by making an application to the prescribed authority in the prescribed form.

Securtiy to be given by the applicant.

5. No application for such licence shall be granted unless the applicant furnishes such security as is sufficient in the opinion of the prescribed authority for the proper conduct of the warehouse.

Conditions for the grant of licence.

6. (1) Before granting a licence the prescribed authority may make any enquiry it considers necessary and shall satisfy itself,

(*a*) that the warehouse mentioned in the application is suitable for the proper storage of the class or classes of goods for which it is intended;

(*b*) that the applicant is competent to conduct such a warehouse;

(*c*) that the applicant fulfils any other condition notified by the State Government under sub-section (2)

(*d*) that the applicant has paid the fee prescribed for the licence and has also furnished the security under section 5; and

(*e*) that there is no other reason for which the applicant may, in the opinion of the prescribed authority, be deemed to be disqualified.

(2) The State Government may, by notification in the *Mysore Gazette*, add to or alter the conditions under which a licence is granted to a warehouseman.

7. Every licence granted under section 6 shall be valid for the prescribed period, and may, on the expiry of such period, be renewed by the prescribed authority on application and on payment of the prescribed fee; provided the conditions in sub-section (1) of section 6 continue to be fulfilled. Term and renewal of licence.

8. (1) A licence granted under section 6 or renewed under section 7 shall be liable to be suspended or cancelled either temporarily or permanently by the prescribed authority for reasons to be stated in writing and in particular if the warehouseman— Suspension and cancellation of licence.

(*a*) has been adjudged an insolvent, or

(*b*) has parted in whole, or in part, with his control over the licensed warehouse, or

(*c*) has ceased to conduct such licensed warehouse, or

(*d*) has made exorbitant or unreasonable charges for the services rendered by him, or

(*e*) has in any other manner become incompetent to conduct the business of warehousing, or

(*f*) has contravened any of the terms of the licence or any of the provisions of this Act and the rules.

(2) The State Government may prescribe any other conditions under which a licence may be suspended or cancelled.

9. (1) Before suspending or cancelling a licence under section 8, the prescribed authority shall give notice to the warehouseman of the grounds on which it is proposed to take action and give him a reasonable opportunity of showing cause against it. Notice of suspension and cancellation of licence.

(2) After considering the explanation, if any, offered by the warehouseman, the prescribed authority may suspend or cancel the licence or pass such orders as it deems just.

rrangements or carrying n the warehousing usiness ending nquiry.

10. The prescribed authority may suspend the licence of a warehouseman pending the decision of the enquiry mentioned in section 9 and make interim arrangements, if necessary, for carrying on the warehousing business.

Return of licence.

11 (1) When a licence expires or is suspended or cancelled the warehouseman shall cease to carry on the business of a warehouseman and shall return the licence to the prescribed authority.

(2) When a licence expires or is suspended or cancelled, the custody of the goods under deposit shall vest in the prescribed authority and such authority shall have the power to settle the claims of the depositors.

Duplicate licence.

12. If a licence granted to a warehouseman is lost, destroyed or damaged, the prescribed authority shall, on the application of the warehouseman and on payment of the prescribed fee, issue a duplicate licence.

Penalty for carrying on business as a warehouseman without a licence.

13. Any person who carries on the business of a warehouseman without a licence, or who without a licence holds himself out as a licensed warehouseman, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Publication of list of licensed warehouses.

14. The State Government shall publish in the *Mysore Gazette* the names and locations of warehouses licensed under this Act with the names and addresses of the licensees and also a list of all licences suspended or cancelled under this Act.

CHAPTER III.

DUTIES OF A WAREHOUSEMAN.

Reasonable care of the goods deposited to be taken.

15. Every warehouseman shall take such care of the goods deposited with him as a man of ordinary prudence would take of his own goods under similar circumstances and conditions.

16. (1) Every warehouseman shall keep his warehouse clean and in a sanitary condition, and take all necessary precautions against rats and other pests which are likely to cause damage or injury to any of the goods stored in the warehouse, and fulfil such other conditions as may be prescribed.

Precautions against damage or injury to goods.

(2) No warehouseman shall accept for storing in his warehouse goods which are contaminated or infected by worms or pests, and which are likely to cause damage to other goods stored in the warehouse.

17. (1) Every warehouseman shall keep and maintain in a place of safety such books, accounts and records as may be prescribed and shall allow them to be inspected in such manner and by such persons as may be prescribed.

Accounts and books to be maintained by warehouseman.

(2) Any warehouseman who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

18. Every warehouseman shall exercise such care to keep in his warehouse the goods of different depositors separate from each other so as to permit at all times the identification of the ownership and the maintenance of the quality of the goods deposited and to facilitate easy delivery of such goods on demand by depositors:

Preservation of identity of goods.

Provided that where standardised and graded goods are stored in a warehouse, then, subject to any agreement between the warehouseman and any depositor, the same variety of goods belonging to different depositors may be mingled together and each depositor shall be entitled only to his portion of the goods according to weight or quantity, as the case may be, as shown in his receipt.

19. Every warehouseman shall build and maintain the warehouse in such manner as is laid down in the terms of licence granted to him.

Maintenance of warehouse.

20. Every warehouseman shall allow necessary facilities for the depositor to inspect and satisfy himself that his goods are properly cared for.

Warehouseman to allow facilities for the depositor to inspect.

Goods deteriorating in warehouse and their disposal.

21. (1) Whenever goods stored in a warehouse deteriorate from causes beyond the control of the warehouseman, he shall forthwith give notice of such deterioration to the depositor and of their liabilities to be sold on a specified date and requiring the depositor to take delivery of the goods immediately, after surrendering the receipt duly discharged and paying all charges due to the warehouseman.

(2) If the depositor does not, within a reasonable time, comply with the notice given to him under sub-section (1), the warehouseman may cause the goods to be removed from the warehouse and dried or reconditioned and sold by public auction at the cost and risk of the depositor.

(3) Any person having an interest in any goods deposited in a warehouse or in the receipt covering such goods may notify the warehouseman in writing of the fact and nature of his interest and the warehouseman shall keep a record thereof; and if such person requests in writing that he be given notice regarding the condition of the goods and agrees to pay the charges for giving such notice, the warehouseman shall give him notice accordingly.

Delivery of goods.

22. (1) Every warehouseman shall deliver the goods on demand by the holder of the warehouse receipt on his offer to satisfy the warehouseman's lien, to surrender the receipt properly endorsed, and to give, when the goods are delivered, an acknowledgment that they have been delivered: provided that where a duplicate receipt has become issuable under this Act but cannot be issued within a reasonable time due to any extraordinary or technical reasons and it is necessary to deliver the goods forthwith to avoid deterioration, a warehouseman may deliver the goods without the receipt being surrendered on terms as to indemnity.

(2) Every such receipt after being so surrendered to the warehouseman shall be defaced by him and no such receipt shall be re-issued:

Provided that it shall be lawful for the warehouseman upon the surrender of such receipt, when part only of the goods is delivered on request, to issue to the depositor a new receipt for the goods remaining undelivered.

23. (1) Notwithstanding anything contained in any other law, no warehouseman shall, either on his own account or that of others, deal in, or lend money on, goods received by him for deposit in his warehouse.

Warehouseman not to deal in or lend against goods in his warehouse.

(2) Any person who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

24. Any warehouseman who delivers any goods out of the warehouse save as provided in section 22 or who re-issues any receipt surrendered to him, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Penalty for delivery of goods without surrender of receipt or re-issue of surrendered receipt.

25. Any warehouseman who issues any receipt for goods which are not in his warehouse or who issues two or more receipts for the same goods or who issues receipts for goods in which he has any share or interest or who aids or abets any other person to do so shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Penalty for issue of receipt for goods not in the warehouse, etc.

26. Every warehouseman shall accept for storage in his warehouse so far as its capacity permits any goods tendered for warehousing by any depositor in the ordinary course of business without showing such discrimination between persons desiring to avail themselves of the facilities of his warehouse as will prejudicially affect their interests :

Discrimination prohibited.

Provided that a warehouseman may give preference to or concession in favour of a co-operative society registered under the Mysore Co-operative Societies Act, 1948.

27. Every warehouseman shall insure, in such manner as may be prescribed, the goods stored in his warehouse against loss or damage by fire, floods, theft or any other accident.

Insurance of goods in warehouse.

28. Every warehouseman shall have a lien on the goods stored in his warehouse for the cost of storage and preservation of the goods and for all the lawful charges incidental to the business.

Warehouseman's lien.

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CHAPTER IV.

INSPECTION AND CLASSIFICATION OF GOODS.

Inspection.

29. The prescribed authority may inspect or examine a warehouse licensed under this Act, its machinery, equipment, goods stored therein and the account books and records relating thereto, at any time during business hours, for the purpose of satisfying itself that the requirements of this Act and the rules are being complied with.

Licensed samplers, weighers and classifiers.

30. (1) The prescribed authority may issue licences to qualified and competent persons entitling them to act as samplers, weighers and classifiers of any goods stored or to be stored in a warehouse and to issue certificates as to quality, weight or grade of the goods which they have examined.

(2) The certificates issued by samplers, weighers, and classifiers as to quality, weight or grade of the goods stored in the warehouse shall, subject to any order in appeal preferred by either of them to the Board of Arbitrators, be binding on the warehouseman and the depositor.

(3) The prescribed authority may appoint a Board of Arbitrators to decide on any complaints against samplers, weighers and classifiers or warehousemen relating to quality, weight or grade of goods stored in the warehouse. The decision of the Board of Arbitrators shall be final and shall not be liable to be questioned in any court of law.

Suspension or cancellation of licence.

31. Subject to rules made in this behalf, every licence granted to a sampler, weigher or classifier may be suspended or cancelled by the prescribed authority.

Return of licence.

32. Whenever a licence granted to a sampler, weigher or classifier expires, or is suspended or cancelled, he shall return it to the prescribed authority.

Prohibition of un-licensed weighers, classifiers, etc.

33. (1) No person who is not licenced under this Chapter shall act or hold himself out as a sampler, weigher or classifier.

(2) Any person who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

CHAPTER V. 170

WAREHOUSE RECEIPTS.

34. (1) A warehouseman shall issue a receipt in the prescribed form containing full particulars in respect of the goods stored in his warehouse by each depositor. Issue of receipts.

(2) The State Government may prescribe the stamp duty that may be levied in respect of a receipt issued under this section.

35. A receipt issued by a warehouseman shall, unless specified otherwise thereon, be transferable by endorsement, and shall entitle its lawful holder thereof to receive the goods specified in it on the same terms and conditions as the original depositor. Receipt transferable by endorsement.

36. If a receipt is lost, destroyed or damaged, the warehouseman shall, on application by the depositor and payment of the prescribed fee, issue a duplicate receipt. The duplicate receipt shall be issued under such conditions as may be prescribed. Duplicate receipt.

CHAPTER VI.

MISCELLANEOUS.

37. Where any licence is suspended or cancelled under this Act, the licensee shall not be entitled to any compensation therefor, nor shall he be entitled to any refund of any fee paid by him for the licence. No compensation for suspension or cancellation of licences.

38. Every contract or agreement which is inconsistent with the provisions of this Act or the rules, shall, to the extent of such inconsistency, be void. Contracts and agreements inconsistent with Act to be void.

39. Whoever knowingly or wilfully contravenes any of the provisions or requirements of this Act or the rules shall, if no express provision is made by this Act for the punishment of such contravention, be punishable with imprisonment for a term which may extend to one year or with fine or with both. Penalty.

Offences by Corporations.

40. Where a person committing any offence under this Act is a company or an association or body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Appeal to State Government.

41. An appeal shall lie to the State Government within such period and subject to such conditions as may be prescribed against any order passed by the prescribed authority under any of the provisions of this Act.

Act not to affect warehouse under any other enactment.

42. Nothing in this Act shall be deemed to apply to warehouses established or licensed under any other enactment for the time being in force.

Rules.

43. (1) The State Government may, by notification in the *Mysore Gazette*, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all, or any of the following matters, namely :—

(*a*) the authority empowered to carry out the duties under this Act ;

(*b*) the form of application for the grant of licence to a warehouseman and the period and conditions of licence, its renewal, and conditions for the issue of a duplicate licence ;

(*c*) the form of receipt to be issued by a warehouseman, the particulars to be specified therein and the conditions for the issue of duplicate receipts ;

(*d*) the nature of the accounts, books and records to be maintained by a warehouseman and the persons by whom and the manner in which they may be inspected ;

(*e*) the manner of giving notices under this Act ;

(*f*) the manner of conducting a public auction for the sale of goods deteriorating in a warehouse and accounting for the proceeds of such sale ;

(*g*) the constitution of the Board of Arbitrators and the procedure to be followed in proceedings before the Board * * and the mode of executing their award;

(*h*) the qualifications and grant of licences to samplers, weighers and classifiers, the conditions and period of their licences, the form of certificates to be issued by them, renewal of their licences, the conditions under which the licences may be suspended or cancelled and the conditions for the issue of duplicate licences;

(*i*) the amount of fees for the grant of licences under this Act and their renewal and for the issue of duplicate licences;

(*j*) the regulation of the schedule of fees or charges to be levied by a warehouseman for storing goods in the warehouse;

(*k*) the standard weights, measures and classifications of goods to be used in warehouses under this Act;

(*l*) the publication of the grant, suspension or cancellations of licences and the list of licensed warehouses;

(*m*) matters arising out of sub-section (2) of section 11 of this Act;

(*n*) all matters expressly required or allowed by this Act to be prescribed; and

(*o*) generally for the efficient conduct of the business of warehouseman.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, MONDAY, JANUARY 22, 1951

PART IV

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 3120—Legis. 30-50-1, Bangalore, dated 18th—22nd January 1951.

Ordered that the accompanying Code of Civil Procedure (Amendment) Act, 1951, which received the assent of the President, on the 7th day of January 1951, be published as Mysore Act No. I of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. I OF 1951.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1951.

(Received the assent of the President on the 7th day of January, 1951.)

An Act further to amend the Code of Civil Procedure, 1911.

Preamble.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1911, (Mysore Act III of 1911), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1951.

(2) It shall come into force at once.

Substitution of new sections 43 and 44 in Mysore Act III of 1911.

2. For sections 43 and 44 of the Code of Civil Procedure, 1911, (hereinafter referred to as the said Code), the following sections and Explanation shall be substituted, namely,—

Execution of decrees passed by Civil Courts in Part A States, Part B States and Part C States.

"**43.** Any decree passed—

(*a*) by a Civil Court in a Part A State, or a Part B State, other than the State of Mysore, or a Part C State, or

(*b*) by a Civil Court in any area within a Part A State, or Part B State or Part C State, to which the provisions relating to execution do not extend, or

(*c*) by a Court established or continued by the authority of the Central Government outside India,

may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Court in the State of Mysore.

Execution of decrees passed by Revenue Courts in Part A States, Part B States or Part C States.

44. The State Government may, by notification in the *Mysore Gazette*, declare that the decrees of any Revenue Courts in any Part A State, or Part B State, other than the State of Mysore, or Part C State or any class of such decrees may be executed in the State of Mysore, as if they had been passed by Courts in the State of Mysore.

Explanation.—In sections 43 and 44, "Part A State" shall mean a State for the time being specified in Part A of the First Schedule to the Constitution of India, "Part B State" shall mean a State for the time being specified in Part B of that Schedule and "Part C State" shall mean a State for the time being specified in Part C of that Schedule, or a territory for the time being administered by the President under the provisions of Article 243 of the Constitution of India."

3. After section 108 of the said Code, the following sections shall be inserted, namely :— Insertion of new sections 109, 110 and 111 in Mysore Act III of 1911.

"*Appeals to the Supreme Court.*

109. Subject to the provisions in Chapter IV of Part V of the Constitution of India and such Rules as may, from time to time, be made by the Supreme Court of India regarding appeals from High Courts in the territory of India and to the provisions hereinafter contained, an appeal shall lie to the Supreme Court :— When appeal lie to the Supreme Court.

(*a*) from any judgment, decree or final order passed on appeal by the High Court;

(*b*) from any judgment, decree or final order passed by the High Court in the exercise of original civil jurisdiction; and

(*c*) from any judgment, decree or order, when the case, as hereinafter provided, is certified to be a fit one for appeal to the Supreme Court;

110. In each of the cases mentioned in clauses (*a*) and (*b*) of section 109, the amount or value of the subject-matter of the suit in the Court of first instance and still in dispute on appeal must have been twenty thousand rupees or upwards, and the amount or value of the subject-matter in dispute on appeal to the Supreme Court must be the same sum or upwards; Value of subject-matter.

or the judgment, decree or final order must involve, directly or indirectly, some claim or question to or respecting property of like amount or value;

and where the judgment, decree or final order appealed from affirms the decision of the Court immediately below the Court passing such judgment, decree or

final order, the appeal must involve some substantial question of law.

Savings.

111. (1) Nothing contained in this Code shall be deemed—

(*a*) to affect the powers of the Supreme Court under Article 136 or any other provision of the Constitution, or

(*b*) to interfere with any Rules made by the Supreme Court, and for the time being in force, for the presentation of appeals to that Court or their conduct before that Court.

(2) Nothing herein contained applies to any matter of criminal jurisdiction."

Amendment of the First Schedule to Mysore Act IV of 1911.

4. In the First Schedule to the Mysore Limitation Act, 1911, after article 178 A, the following article shall be inserted, namely :—

"

Description of application	Period of limitation	Time from which period begins to run
1	2	3
179. By a person desiring to appeal under the Code of Civil Procedure, 1911, to the Supreme Court for leave to appeal.	Ninety days	The date of the decree appealed from.

"

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

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BANGALORE, MONDAY, JANUARY 29, 1951.

PART IV

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 3148, Bangalore, dated 29th January 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Appropriation Bill, 1951, together with Statement of Objects and Reasons, is published for general information.

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THE MYSORE APPROPRIATION BILL, 1951.

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation Act, 1951.

Issue of Rupees 2,04,38,565 out of the Consolidated Fund of the State for the year 1950-51.

2. From and out of the Consolidated Fund of the State there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Two Hundred and Four lakhs Thirty-Eight Thousand and Five Hundred and Sixty-Five rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

SCHEDULE. 179

No. of vote	Services and Purposes	Sums not exceeding Voted by the Legislative Assembly
	A. Expenditure met from Revenue.	Rs.
2	2. Forest	1,17,300
7	12. General Administration ...	8,17,400
9A	15. Pensions and Allowances ...	50,000
10	16. Stationery and Printing— 3. Government Book Depot Educational Books and Maps 2,00,000	
	Deduct—Sale proceeds of Educational Books and Maps 1,99,900	100
11	17. Miscellaneous	21,000
14	20. Police	7,55,500
15	21. Medical	6,10,925
18	24. Civil Works	25,39,750
19	24-A. Communications	2,00,000
19A	24-B. Flying School—Post-war Development Schemes	55,000
20	26. Education	2,00,000
21	27. Agriculture	17,200
	27-A. Animal Husbandry	85,000
23	27-C. Sericulture	1,59,660
24	29. Co-operative Societies	2,02,080
25	30. Grants for Public Improvements	13,900
25A	31. Army	2,80,000
25B	32-B. Expenditure connected with Food and other control measures ...	23,87,200
29	XXV—A. Hydro-Electric Works ...	6,00,000
	Carried over ..	91,12,015

No. of vote	Services and Purposes	Sums not exceeding Voted by the Legislative Assembly
		Rs.
	Brought forward ...	91,12,015
	B. Capital.	
37	38-B. Other Irrigation works not met from Revenue	16,50,000
38	39. Industrial and other works ...	9,59,000
	C. Expenditure met from Reserve, Depreciation, Road and other Funds.	
42	Industrial Development Fund ...	8,19,750
	D. Disbursement of Advances and Loans.	
44	Advances and Loans	78,97,800
	Total ...	2,04,38,565

Statement of Objects and Reasons.

This Bill is introduced in pursuance of Article 204 (1) of the Constitution of India, read with Article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of the moneys required to meet the grants made by the State Legislative Assembly for expenditure of the State Government for 1950-51.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

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BANGALORE, THURSDAY, FEBRUARY 1, 1951.

NOTIFICATION.

No. L.D. 3154—L.A. 2-50-3, dated Bangalore, 31st January 1951.

In exercise of the powers conferred by clause (2) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby prorogue the Session of the State Legislative Assembly at the conclusion of its business on Thursday the 1st February, 1951.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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Vol. 86] BANGALORE, THURSDAY, FEBRUARY 1, 1951. [No. 5

PART IV

Section I-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 3104—Legis. 2-50-59, Bangalore, dated 15—18th January 1951.

Ordered that the accompanying Khaddar (Protection of Name) Act, 1950 (LXXVIII of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 30th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 28th December 1950.

THE KHADDAR (PROTECTION OF NAME) ACT, 1950 (LXXVIII of 1950).

AN

ACT

to regulate the use of the words "Khaddar" and "Khadi" when applied as a trade description of woven materials.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(*1*) This Act may be called the Khaddar (Protection of Name) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. **The words "Khaddar" and "Khadi" to be trade description.**—The words "Khaddar" and "Khadi" whether in Hindi or in any other Indian language or in English, when applied to any woven material, shall be deemed to be a trade description within the meaning of the Indian Merchandise Marks Act, 1889 (IV of 1889), indicating that such material is cloth woven on handlooms in India from cotton, silk or woollen yarn hand-spun in India or from a mixture of any two or all of such yarns.

3. **Repeal.**—The Khaddar (Name Protection) Act, 1934 (VIII of 1934), is hereby repealed.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

No. L.D. 3105—Legis. 2-50-58, Bangalore, dated 15—18th January 1951.

Ordered that the accompanying Appropriation (Railways) No. 2 Act, 1950 (LXXVII of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 30th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government.
Law Department.

Received Assent on 28th December 1950.

THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1950 (LXXVII OF 1950).

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March 1951, for the purposes of railways.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Appropriation (Railways) No. 2 Act, 1950.

2. Issue of Rs. 21,95,91,000 out of the Consolidated Fund of India for the year 1950-51.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-one crores ninety-five lakhs and ninety-one thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

SCHEDULE

(*See* sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Audit	1,04,000	...	1,04,000
3	Miscellaneous expenditure	16,04,000	...	16,04,000
4	Working Expenses—Administration	53,55,000	...	53,55,000
5	Working Expenses—Repairs and Maintenance	4,42,40,000	...	4,42,40,000
6	Working Expenses—Operating Staff	15,71,000	...	15,71,000
7	Working Expenses—Operation (Fuel)	1,87,49,000	...	1,87,49,000
8	Working Expenses—Operation other than Staff and Fuel ...	2,36,01,000	...	2,36,01,000
9	Working Expenses—Miscellaneous Expenses	1,20,33,000	...	1,20,33,000
9A	Working Expenses—Labour Welfare	15,15,000	...	15,15,000
12A	Open Line Works—(Revenue) Labour Welfare ...	68,17,000	...	68,17,000
12B	Open Line Works—(Revenue) Other than Labour Welfare ...	40,02,000	...	40,02,000
15	Construction of new lines ...	1,01,31,000	...	1,01,31,000
16	Open Line Works—Additions	1,53,48,000	...	1,53,48,000
17	Open Line Works—Replacements	7,45,21,000	...	7,45,21,000
	Grand Total ...	21,95,91,000	...	21,95,91,000

NOTIFICATION.

No. L.D. 3105—Legis. 2-50-57, Bangalore, dated 15—18th January 1951.

Ordered that the accompanying State Railway Provident Fund (Temporary Provisions) Act, 1950 (LXXVI of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 30th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 28th December 1950.

THE STATE RAILWAY PROVIDENT FUND (TEMPORARY PROVISIONS) ACT, 1950 (LXXVI OF 1950).

AN

ACT

o make temporary provisions for the payment of moneys in the State Railway Provident Fund to dependants of deceased displaced persons.

BE it enacted by Parliament as follows :—

1. Short title, extent and duration.—(*1*) This Act may be called the State Railway Provident Fund (Temporary Provisions) Act, 1950.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall cease to have effect on the 31st day of December, 1952, save as espects things done or omitted to be done before that date.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of a railway administration and includes such other officer as may be appointed in this behalf by the Financial Commissioner, Railways ;

(*b*) "dependant" means any of the following relatives of a deceased subscriber to, or a depositor in, the State Railway Provident Fund who was a displaced person, namely :—

wife, husband, child and a deceased son's widow and child ;

(*c*) "displaced person" means a person employed under the North-Western railway administration or the Bengal and Assam railway administration before the 15th day of August, 1947, who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan,—

(*i*) was displaced from, or left his place of residence in, such area after the 1st day of March, 1947, or

(*ii*) opted for employment in any area now forming part of India, or
(*iii*) did not opt for employment in any area now forming part of Pakistan;

(*d*) "State Railway Provident Fund" means the Provident Fund as constituted under the State Railway Provident Fund Rules.

3. Application of the Provident Funds Act, 1925.—The provisions of this Act shall have effect notwithstanding any provisions inconsistent therewith contained in the Provident Funds Act, 1925 (XIX of 1925), but shall not be in derogation of any of the other provisions of that Act.

4. Repayment of State Railway Provident Fund moneys in certain cases.—(*1*) Where in the case of any deceased displaced person, the Accounts Officer is satisfied, after such inquiry as may be prescribed, that any nomination made by the deceased displaced person in respect of any sum standing to his credit in the State Railway Provident Fund has been lost or is not readily available and that the terms of that nomination cannot be proved otherwise, he shall pay the sum so standing to his credit to his dependants in equal shares:

Provided that no share shall be payable to—

(*a*) sons or sons of a deceased son who have attained majority,
(*b*) married daughters whose husbands are alive, and
(*c*) married daughters of a deceased son whose husbands are alive,

if there are any other dependants, and the share which a dependant would otherwise have taken if not disqualified under this proviso shall be divided among the other dependants in equal shares:

Provided further that the widow and the children of a deceased son shall take between them in equal parts the share which that son would have taken, if he had survived the subscriber and had not attained majority at the time of the subscriber's death.

(*2*) If there are no dependants, any such sum as is specified in sub-section (1) shall be payable,—

(*a*) if the sum does not exceed five thousand rupees, to any person appearing to the Accounts Officer, after such inquiry as may be prescribed, to be entitled to receive it;

(*b*) if the sum exceeds five thousand rupees, to any person on production by such person of probate or letters of administration or succession certificate entitling him to receive payment of such sum.

5. Discharge on payment.—The making of a payment authorised by the provisions of this Act shall be a full discharge to the Central Government and to the railway administration concerned from all liability in respect of the sum so paid:

Provided that nothing contained in this Act shall prevent any person claiming under a nomination or declaration made by a deceased displaced person from establishing in a court the right which he claims and following the money into the hands of the persons who have received payment thereof under the provisions of this Act.

6. Penalty for false statements.—Any person who for the purpose of obtaining any payment under the provisions of this Act, makes a declaration or statement which is false or which he either knows or has reason to believe to be false or does not believe to be true shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

7. Bar of jurisdiction.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the provisions of this Act.

8. Power to make rules.—The Central Government may make rules to carry out the purposes of this Act, and, in particular, for—

(*i*) regulating the manner in which any inquiry may be made by the Accounts Officer;

(*ii*) requiring security to be furnished by any person before payment of any sum is made to him under the provisions of this Act.

NOTIFICATION.

No. L.D. 3107—Legis, 2-50-56, Bangalore, dated the 15–18th January 1951.

Ordered that the accompanying Telegraph Wires (Unlawful Possession) Act, 1950 (LXXIV of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 30th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 28th December 1950.

THE TELEGRAPH WIRES (UNLAWFUL POSSESSION) ACT, 1950, (LXXIV OF 1950).

AN

ACT

to regulate the possession of telegraph wires and to provide for the punishment of the offence of unlawful possession thereof.

BE it enacted by Parliament as follows :—

1. **Short title, extent and commencement.**—(*1*) This Act may be called the Telegraph Wires (Unlawful Possession) Act, 1950.

(*2*) It extends to the whole of India.

(*3*) It shall come into force in any State on such date as the Central Government may, by notification in the Official Gazette, appoint for such State, and different dates may be appointed for different States.

2. Definitions.—In this Act,—

(*a*) "prescribed" means prescribed by rules made under this Act;

(*b*) "telegraph wire" means copper wire of any one of the following gauges commonly used in telegraph lines, namely, one hundred and fifty pounds per mile, two hundred pounds per mile or three hundred pounds per mile.

3. Duty to declare possession of telegraph wires.—Every person in possession of telegraph wires shall, within six months from the commencement of this Act, make a declaration in writing, in such form and to such authority as may be prescribed, stating the quantity of telegraph wires in his possession.

4. Duty to have telegraph wires converted or sold.—Every person in possession of telegraph wires which exceed ten pounds in weight shall, within one year from the commencement of this Act, have the whole of the quantity as is in excess of ten pounds converted into ingots:

Provided that it shall be open to any such person to sell the whole or any part of the telegraph wires in his possession at such price and to such authority as may be prescribed.

5. Penalty for unlawful possession of Telegraph wires.—Whoever is found or is proved to have been in possession of any quantity of telegraph wires which the court has reason to believe to be, or to have been, the property of the Posts and Telegraphs Department of the Central Government shall, unless he proves that the telegraph wires came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both:

Provided that where a person has made a declaration under section 3 in relation to any quantity of telegraph wires, the burden of proving in respect of the quantity so declared, that it came into his possession lawfully, shall not be on such person.

6. Penalty for contravention of provisions of section 3 or section 4.—Any person who fails to make a declaration as required by section 3 or fails to comply with the provisions of section 4 shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

7. Cognizance of offences.—(*1*) No court shall take cognizance of any offence punishable under this Act, save on complaint made by or under the authority of the Central Government or by an officer specially empowered in this behalf by that Government.

(*2*) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

8. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form in which, and the authorities to which, declarations under section 3 may be made;

(*b*) the authorities to which, and the prices at which, telegraph wires may be sold under section 4.

189 NOTIFICATION.

No. L.D. 3108—Legis. 2-50-61, Bangalore, dated 15—18th January 1951.

Ordered that the following Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1950 (LXXX of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 31st December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 31st December 1950.

THE COAL MINES PROVIDENT FUND AND BONUS SCHEMES (AMENDMENT) ACT, 1950 (LXXX of 1950).

AN
ACT

further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1950.

2. Amendment of section 1, Act XLVI of 1948. In sub-section (*2*) of section 1 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (hereinafter referred to as the said Act), for the words "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin", the words "except the State of Jammu and Kashmir" shall be substituted.

3. Amendment of section 2, Act XLVI of 1948.—In clause (*a*) of section 2 of the said Act, for the words "employee in a coal mine", the word "employee" shall be substituted.

4. Amendment of sections 3 and 5, Act XLVI of 1948.—In sub-section (*1*) of section 3 and in sub-section (*1*) of section 5 of the said Act, for the words "employees in coal mines", the word "employees" shall be substituted.

5. Insertion of new section 11A in Act XLVI of 1948.—After section 11 of the said Act, the following section shall be inserted, namely:—

"11A. *Protection for acts done in good faith.*—No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act or under any scheme framed thereunder."

6. Amendment of Second Schedule, Act XLVI of 1948.—In item 1 of the Second Schedule to the said Act, for the words "employee in a coal mine", the word "employee" shall be substituted.

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NOTIFICATION.

No. L. D. 3109—Legis. 2-50-60, Bangalore, dated 15th—18th January 1951.

Ordered that the following Appropriation (No. 4) Act, 1950 (LXXIX of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 31st December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 31st December 1950.

THE APPROPRIATION (No. 4) ACT, 1950 (LXXIX OF 1950).

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March 1951.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation (No. 4) Act, 1950.

2. Issue of Rs. 63,99,56,000 out of the Consolidated Fund of India for the year 1950-51.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of sixty-three crores, ninety-nine lakhs and fifty-six thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March 1951, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1951.

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SCHEDULE.

(*See section* 2).

1 No. of Vote	2 Services and purposes	3 Sums not exceeding Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Union Excise Duties	50,00,000	...	50,00,000
5	Stamps	8,00,000	...	8,00,000
7	Irrigation (including working expenses, Navigation, Embankment and Drainage Works met from Revenue).	1,20,000	...	1,20,000
8	Indian Posts and Telegraphs Department (including working expenses).	96,80,600	3,20,000	1,00,00,000
9	Cabinet	1,05,000	...	1,05,000
18	Ministry of Law	15,93,000	...	15,93,000
22	Ministry of Communications ...	1,48,000	...	1,48,000
25	Ministry of States	62,000	...	62,000
28	Ministry of Rehabilitation	4,80,000	...	4,80,000
28 A	Ministry without Portfolio	20,000	...	20,000
81	Administration of Justice	65,000	...	65,000
83	Police	4,80,000	...	4,80,000
86	Ecclesiastical	2,000	...	2,000
87	Tribal Areas	5,50,000	...	5,50,000
88	External Affairs	36,69,000	...	36,69,000
45	Meteorology	1,000	...	1,000
51	Agriculture	30,66,000	...	30,66,000
52	Civil Veterinary Services	1,000	...	1,000
61	Census	22,29,000	...	22,29,000
64	Miscellaneous Departments	3,59,000	...	3,59,000
65	Currency	90,00,000	...	90,00,000
68	Communications (including National Highways).	50,00,000	...	50,00,000
69	Other Civil Works	...	7,000	7,000
73	Miscellaneous	10,05,000	...	10,05,000
74	Expenditure on Displaced Persons ...	7,40,00,000	...	7,40,00,000
75	Defence Services—Effective—Army ...	16,55,02,000	...	16,55,02,000
81	Resettlement and Development ..	4,61,000	...	4,61,000
84	Delhi	77,53,000	...	77,53,000
85	Ajmer	15,06,000	..	15,06,000
86	Kutch	6,23,000	...	6,23,000
87	Himachal Pradesh	18,000	...	18,000
88	Bilaspur	25,000	...	25,000
91	Tripura	9,74,000	...	9,74,000
92	Andaman and Nicobar Islands ...	2,04,000	...	2,04,000
	Union Public Service Commission ...	...	33,000	33,000
94	Capital Outlay on Forests ...	8,70,000	...	8,70,000
95	Capital Outlay on India Security Press ...	3,80,000	...	3,80,000
96	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue).	1,000	...	1,000
98	Capital Outlay on Industrial Development...	52,50,000	...	52,50,000
99	Capital Outlay on Civil Aviation ...	55,00,000	...	55,00,000
101	Capital Outlay on Currency... ...	2,63,50,000	...	2,63,50,000
102	Capital Outlay on Mints	12,00,000	...	12,00,000
107	Defence Capital Outlay	4,63,68,000	...	4,63,68,000
108	Capital Outlay on Schemes of State Trading	1,000	...	1,000
109	Capital Outlay on Development ...	1,05,00,000	...	1,05,00,000
110	Interest-free and Interest-bearing Advances	1,00,00,000	23,87,30,000	24,87,30,000
	Grand Total ...	40,08,66,000	23,90,90,000	63,99,56,000

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PART IV

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Section 1-C

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

(HOME DEPARTMENT).

No. H. A. 9824—Pol. 185-50-9, Bangalore, dated the 19th January 1951.

Ordered that the following Notifications Nos. S.R.O. 17 (20-16-49-F) and S.R.O. 18 (20-16-49-F), dated the 8th January 1951, issued by the Government of India, Ministry of Information and Broadcasting and which were published in the *Gazette of India*, Extraordinary, dated 8th January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

MINISTRY OF INFORMATION AND BROADCASTING

NOTIFICATIONS.

New Delhi, the 8th January 1951.

S.R.O. 17.—In exercise of the powers conferred by sub-section (2) of Section 1 of the Cinematograph (Second Amendment) Act, 1949 (LXII of 1949), the Central Government hereby appoints the 15th January 1951 as the date on which the said Act shall come into force.

(No. 20/16/49-F).

S.R.O. 18.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 9 of the Cinematograph Act, 1918 (II of 1918), the Central Government hereby makes the following rules :—

1. *Short title and Commencement.*—(1) These rules may be called the Cinematograph (Censorship) Rules, 1951.

(2) These rules shall come into force on the 15th day of January 1951.

2. *Definitions.*—In these rules, unless the context otherwise, requires,

(i) "Act" means the Cinematograph Act, 1918;

(ii) "Advisory Panel" means the Advisory Panel of the Board at Bombay, Calcutta or Madras as the case may be;

(iii) "Applicant" means a person applying for a film to be certified for public exhibition;

(iv) "Bengal film" means a film imported from abroad into, or produced in, the State of West Bengal;

(v) "Board" means the Central Board of Film Censors constituted under rule 3;

(vi) "Bombay film" means any film other than a Bengal or a Madras film;

(vii) "Chairman" means the Chairman of the Board;

(viii) "Madras film" means a film imported from abroad into, or produced in the State of Madras;

(ix) "Regional Officer" and "Assistant Regional Officer" respectively, means the Regional or Assistant Regional Officer of the Board at Bombay, Calcutta or Madras, as the case may be;

(x) "Schedule" means the schedule to these rules.

3. *Constitution of the Board*—

(1) The Authority to be constituted under sub-section (1) of Section 6 of the Act, shall be a Board to be known as "the Central Board of Film Censors";

(2) The Board shall consist of seven members who shall be appointed by the Central Government;

(3) The Central Government shall appoint a Chairman of the Board from among its members.

4. *Term of Office*—

(1) A member of the Board, other than the Chairman, shall, subject to the provisions of sub-rule (2), hold office for a term of three years;

(2) From among the members (other than the Chairman) first appointed, two shall retire from office at the and of one year and two of the remaining four at the end of two years, the members so to retire being determined by lot;

(3) A retiring member or a member whose term of office has expired by efflux of time shall be eligible for re-appointment.

5. The Central Government may for a cause sufficient in its opinion remove any member of the Board before the expiration of the period of his office.

6. *Casual Vacancy.*—A casual vacancy caused in the Board by resignation, death or removal of a member, or otherwise, shall be filled by the appointment of another member who shall hold office for the remainder of the term of the member in whose place he is appointed.

7. *Headquarters.*—Unless otherwise directed by the Central Government, the headquarters of the Board shall be at Bombay.

8. *Temporary absence of Chairman.*—Notwithstanding anything contained in these rules, during the absence of the Chairman from the City of Bombay or whenever the Chairman is temporarily unable to exercise his powers or perform his

duties under these rules owing to illness or any other cause, the Central Government may appoint another person to be the Chairman:

Provided that where no such appointment is made the Regional Officer at Bombay shall in addition to his other duties exercise the powers and perform the duties of the Chairman, but he shall not be entitled to preside at meetings of the Board.

9. *Constitution of Advisory Panels.*—

(1) The Board shall, with the previous approval of the Central Government constitute an Advisory Panel at each of the towns of Bombay, Calcutta and Madras.

(2) Each such Advisory Panel shall consist of such number of members as the Board may, with the previous approval of the Central Government, from time to time, determine.

10. *Term of Office of Members of Advisory Panels.*—A member of an Advisory Panel shall hold office for one year from the date of his appointment:

Provided that the Board may for a cause sufficient in its opinion remove from office with the previous approval of the Central Government any such member before the expiration of the said period of one year.

11. *Regional Officer*—

(1) The Board shall, with the previous approval of the Central Governmment, appoint a Regional Officer at each of the towns of Bombay, Calcutta and Madras, and may subject to like approval appoint an Assistant Regional Officer at all or any of these towns. Provided that the first appointments of Regional and Assistant Regional Officers shall be made by the Central Government.

(2) A Regional Officer and an Assistant Regional Officer shall receive such remuneration and shall be subject to such other conditions of service as the Board may, with the previous approval of the Central Government, from time to time, determine.

(3) A Regional Officer and an Assistant Regional Officer shall perform such duties as may be assigned to them by the Board or the Chairman.

12. *Duties of the Board.*—The Board shall, in addition to other duties prescribed under these rules :—

(i) submit an annual report to the Central Government reviewing the work done by the Board during the preceding financial year;

(ii) prescribe the manner in which the registers, records and accounts of the Board shall be kept;

(iii) review the work of, and issue directives to, Regional Officers and members of the Advisory Panels regarding the principles to be observed in determining whether a film is or is not suitable for public exhibition;

(iv) have its accounts audited annually, and submit duly to the Central Government the report of the auditors and take such action as may be required by Government to be taken on the report.

13. *Staff of the Board*—

(1) The Chairman shall, with the previous approval of the Central Government, appoint such officers and servants to the Board as he deems fit.

(2) The officers and servants of the Board appointed under sub-rule (1) shall receive such salaries and allowances and shall be subject to such conditions of service as the Chairman, with the previous approval of the Central Government, may from time to time, determine.

(3) The Chairman may suspend, remove or grant leave to any officer or servant of the Board appointed under this rule.

14. *Remuneration of the Chairman, and members of the Board and the Advisory Panel*—

(1) The Chairman shall receive such salary and allowances and shall be subject to such other conditions of service as are specified in the terms of his appointment.

(2) Every member of the Board other than the Chairman shall be paid such travelling and other allowances as the Central Government may, from time to time, determine.

(3) Every non-official member of the Board or an Advisory Panel deputed to examine or re-examine a 35 mm. film shall be paid a fee at the rate of Re. 1 per 1,000 feet or a fraction of fee 1,000 of the film examined or re-examined, subject to a minimum of Rs. 5 and a maximum of Rs. 10.

(4) Every such member deputed to examine or re-examine a 16 mm film shall be paid a fee at the rate of Re. 1 for 400 feet or a fraction of 400 feet examined or re-examined subject to a minimum of Rs. 5 and a maximum of Rs. 10.

15. *Meeting of the Board*—

(1) The Board shall ordinarily meet once a quarter for the transaction of business, but the Chairman may at any time call an extraordinary meeting if he considers it necessary to do so.

(2) Meetings of the Board shall ordinarily be held at Bombay but the Chairman may in his discretion call a meeting at Calcutta or Madras.

16. *Co-opted Members.*—The Chairman may co-opt any one or more of the Regional Officers as a member or as members of the Board for the purpose of attending a particular meeting of the Board, and such officer or officers shall then be entitled to participate in the deliberations of the Board at that meeting but shall not be entitled to vote.

17. *Notice of Meeting.*—

(1) At least 7 clear days' notice of all meetings of the Board shall be given to each member, but an urgent meeting may be called by the Chairman at 3 clear days' notice.

(2) The notice shall state the business to be transacted at the meeting and no business other than that stated shall be transacted at such meeting except with the consent of the Chairman or on his motion.

18. *Business ordinarily to be transacted at meetings.*—The business of the Board shall ordinarily be transacted at a meeting duly called in accordance with the provisions of these rules:

Provided that the Chairman may, if he thinks fit, circulate any urgent matter among the members for their opinion.

19. *Quorum.*—At every meeting of the Board 3 members if the Chairman be present, and 5 members if he be absent, shall form a quorum.

20. *President of the Meeting.*—Meetings of the Board shall be presided over by the Chairman or, in his absence by a member elected by the members present from among themselves.

21. *Question to be decided by majority of votes.*—Every question before the Board shall be decided by a majority of votes. In the case of equality of votes, the Chairman or the member elected to preside under rule 20, as the case may be, shall have a second or casting vote.

22. *Examination of Films*—

(1) Every application to certify a film for public exhibition shall be made in writing by the importer or producer of the film or an agent acting on behalf of the importer or producer in Form I set out in the schedule.

(2) The application shall be addressed to the Board and delivered to the Regional Officer at Bombay, Calcutta or Madras according as the film is a Bombay, Bengal or Madras film :

Provided that the Chairman may, in his discretion, permit applications in respect of any Bombay film or Bombay films to be delivered to the Regional Officer at Madras or Calcutta.

(3) Every such application shall be accompanied by.—

(*a*) the fee prescribed under rule 32, and

(*b*) four typed or printed copies of the synopsis of the film and of the full text of all songs if any.

23. *Extra copies of films before certification.*—Where, after an application under rule 22 has been made, any other copy or copies of the film in respect of which the application is made, are imported or printed, the applicant shall make a report in Form II of the Schedule to the appropriate Regional Officer stating the number of copies so imported or printed.

24. *Examining Committee*—

(1) On receipt of an application under rule 22, the Regional Officer shall appoint an Examining Committee to examine the film. The examination shall be made at such place and at such time as the Regional Officer may determine and at the expense of the applicant.

(2) The Examining Committee shall consist of at least two members of the Advisory Panel and the Regional Officer or the Assistant Regional Officer. If the Regional Officer or the Assistant Regional Officer is unavoidably unable to attend the examination of the film there shall be at least three members of the Advisory Panel on the Committee.

(3) Immediately after the examination of the film, the opinion of the members of the Examining Committee attending the examination shall be recorded in duplicate by the Regional Officer or Assistant Regional Officer, or in the absence of both, by a member of the Committee appointed by the Regional Officer for this purpose, stating, with regard to each member, whether he considers:

(*a*) that the film is or is not suitable for unrestricted public exhibition ; or

(*b*) that the film is or is not suitable for public exhibition restricted to adults ; or

(*c*) that the film will be suitable for unrestricted public exhibition, or public exhibition restricted to audults, as the case may be, if a specified portion or specified portions be deleted therefrom.

(4) One copy of the record prepared under sub-rule (3) shall be sent by the Regional Officer to the Chairman forthwith.

25. *Certification*.—On receipt of the record referred to in the preceding rule the Chairman shall, unless he proceeds under sub-rule (1) of rule 26, authorise the Regional Officer concerned to certify the film on behalf of the Board as being suitable for unrestricted public exhibition or for public exhibition restricted to adults only, as the case may be:

Provided that the Chairman may, with the previous approval of the Central Government, authorise any Regional Officer to certify, without obtaining his previous approval, any class or kind of film after the Examining Committee have examined and recommended such certification.

26. *Revising Committee*—

(1) On receipt of the record referred to in rule 24, the Chairman may, of his own motion or on the request of the applicant, refer it to a Revising Committee constituted by him for the purpose.

(2) The Revising Committee shall ordinarily consist of the Chairman, one other member of the Board, a Regional Officer and at least two members of the Advisory Panel.

(3) The Chairman, if present, shall preside at ezery meeting of the Revising Committee. If he be unable to attend, the member of the Board present shall preside. If both the Chairman and the member of the Board are unable to be present the Regional Officer shall preside.

(4) If the Chairman is absent, the number of members of the Advisory Panel sitting on the Revising Committee shall ordinarily be three; if both the Chairman and the member of the Board are absent, the number shall be four.

(5) No member of the Advisory Panel who has been a member of the Examining Committee for any film shall be a member of the Revising Committee in respect of the same film.

(6) The Revising Committee shall examine the film at such time and at such place as the Chairman may determine and, if the examination be at the request of the applicant, at the latter's expense.

(7) Immediately after the examination of the film by the Revising Committee, the opinion of the members attending the examination shall be recorded in duplicate stating with regard to each member the particulars specified in sub-rule (3) of rule 24.

(8) One copy of the record prepared under sub-rule (7) shall be sent to the Chairman forthwith.

(9) The decision of the Revising Committee shall be that of the majority of those attending the examination of the film. In the event of an equality of votes, the presiding officer shall have a second or casting vote.

(10) On receipt of the record under sub-rule (8) the Chairman shall issue a certificate in respect of the film in conformity with the recommendations of the Revising Committee.

27. *Issue of certificate subject to removal of positions of film.*—

(1) When the applicant is informed by a Regional Officer or the Chairman that a film will not be certified for unrestricted public exhibition or for

public exhibition restricted to adults, as the case may be, unless a specified portion or specified positions thereof be removed therefrom, the Regional Officer, with the approval of the Chairman, may issue a certificate certifying the film for unrestricted public exhibition or for public exhibition restricted to adults, as the case may be, if he is satisfied that the portion or portions thereof objected to have been deleted from the film and from all copies thereof in the applicant's possession. For the purpose of satisfying himself that the portion or portions objected to have been deleted the Regional Officer or Chairman may, at the expense of the applicant, himself examine the film, or cause it to be examined by one or more members of the Advisory Panel at such time and such place as he may determine.

(2) A certificate issued under sub-rule (1) shall be endorsed with a specification of the portion or portions required to be removed, and a statement of the exact length of each part or parts removed, and shall bear a clearly visible triangle drawn at the left hand bottom corner of the certificate:

Provided that nothing contained in this rule shall debar the Chairman from issuing a clear certificate, after the portions objected to have been removed, if the applicant makes a fresh application to have the film certified for public exhibition.

28. *Re-examination of certified films.*—

(1) In the case of a film which has been certified for public exhibition, if a representation is received from any member of the Board or any of its Advisory Panels, the representation shall be considered by the Board as soon as convenient. Any representation received from a member of the public or from any association or group of individuals shall be examined by the Chairman and, if he considers it desirable, shall be laid before the Board for consideration.

(2) If the Board considers that the film should be re-examined the Chairman shall appoint a Committee of the Board to re-examine the film, consisting of the Chairman and two members.

(3) The place, date and time of such re-examination shall be determined by the Chairman.

(4) The Chairman shall forward the opinion of the Committee to the Central Government who may pass such orders thereon as it deems fit.

29. *Alteration of film after issue of certificate.*—

When a film is altered by excision, addition or otherwise, after it has been certified under these rules, it shall not be exhibited unless it has been re-examined and a fresh certificate obtained in accordance with these rules.

30. *Extra copies of films after certification.*—

Where, after a film has been certified for public exhibition, any other copy or copies of it is or are imported or printed, the applicant shall make a report in Form V of the Schedule to the appropriate Regional Officer.

31. *Certificates.*—

(1) A certificate authorising the public exhibition of a film shall be in one of the forms III or IV set out in the Schedule according as the authorization is for unrestricted public exhibition or for public exhibition to adults only.

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(2) The certificate shall be signed for and on behalf of the Board by the Chairman or by a Regional Officer for the Chairman.

(3) The prescribed mark of the Board shall be a film copy of the certificate *i.e.*, a trailer certificate, not less than 15 ft. long, which shall be affixed to the film and always exhibited with it.

(4) A certificate of a film predominantly educational shall be in form VI.

32. *Fees.*—

(1) A fee shall be charged for the examination of every film at the rates laid down in the following table:—

TABLE OF FEES

Size of film	Length of film	Scale of fees
35 millimetre	(*a*) 2,000 feet or below	Rs. 5 per 1,000 feet or a fraction thereof.
	(*b*) Exceeding 2,000 feet	Rs. 40 per 1,000 feet or a fraction thereof.
16 millimetre	(*a*) 800 feet or below	Rs. 5 per 400 feet or a fraction thereof.
	(*b*) Exceeding 800 feet	Rs. 40 per 400 feet or a fraction thereof.

(2) Where the dialogue, songs or commentary of a film is in a language other than the appropriate language specified in clause (i) of Form I to the Schedule, a translation fee—

(*a*) in the case of a 35 millimetre film, at the rate of rupee one per 1,000 feet or fraction thereof; and

(*b*) in the case of a 16 millimetre film, at the rate of rupee one per 400 feet or fraction thereof,

shall, subject to a maximum fee of rupees ten and a minimum fee of rupees five, be charged in addition to the fee specified in sub-rule (1).

(3) The Board may remit the fee for examination of a film in the event of the application for a certificate being withdrawn before the film is examined.

33. *Power of entry.*—The Chairman or any member of the Board or an Advisory Panel or a Regional or an Assistant Regional Officer may enter any place licensed under the Act for the purpose of satisfying himself that the provisions of these rules are being carried out.

34. *Maintenance of Register.*—

(1) The Board shall maintain a register in which shall be entered—

(*a*) the name of every film examined under the Act;

(*b*) the name of the person applying for a certificate;

(*c*) the name of the person or company producing or releasing the film;

(*d*) the name of the country in which the film was originally produced;

(*e*) the name of the place where the film was examined;

(*f*) the date of the examination;

(g) the names of the persons who examined the film;

(h) the result of the examination and of any further proceedings thereon;

(i) the number and date of the certificate issued, if any, together with a copy of any endorsement made thereon.

(2) For the purpose of enabling the Board to maintain such a register, the Regional Officers at Bombay, Calcutta and Madras shall each maintain similar registers in respect of applications for certification made to them and send to the Board a duplicate copy of every entry made in it, as soon as may be, after it has been made.

(3) A copy of the entries in the register maintained by the Board made during any month shall be sent to the Regional Officers at Bombay, Calcutta and Madras during the next following month.

35. Any rules made under the Act by a State Government shall, so far as they relate to the sanctioning of cinematograph films for exhibition, stand repealed:

Provided that:—

(a) any certificate granted, order made or action taken by any authority under the rules so repealed shall be deemed to have been granted, made or taken by the corresponding authority under these rules;

(b) any proceedings pending immediately before the commencement of these rules before any such authority shall stand transferred to the corresponding authority under these rules and shall be disposed of by that authority in accordance with the provisions of these rules.

SCHEDULE

FORM I

Form of application for certification of a film for public exhibition.

[*See* sub-rule (1) of rule 22]

To

The Central Board of Film Censors, through the
Regional Officer at *Calcutta/*Madras/*Bombay.

Application to certify for public exhibition a film.

*(i) imported into India at.....

*(ii) produced in India at.....

(a) Length of the film;

(b) Number of reels;

(c) *Nature of the film, *i.e.*

(i) Newsreel,

(ii) Documentary

(iii) Scientific,

(iv) Education,

(v) Feature.

(*d*) Name of the film :

(*e*) Number of copies—

(i) imported,

(ii) manufactured,

(iii) in the possession of the applicant.

(*f*) Name of the producer :

(*g*) Country in which produced :

(*h*) Has any previous application been made in India to certify this film for public exhibition ?

If so :

(i) where, and to whom was it made ?

(ii) what was the result of the application ?

(*i*) Does it contain dialogues, songs, poems or speeches—

(i) in the case of any imported film, in any language other than English.

(ii) in the case of a film produced in West Bengal, in any language other than Bengali, Hindi, Hindustani or Urdu ?

(iii) in the case of a film produced in Madras, in any language other than Tamil, Telugu, Kannada, Hindi, Hindustani or Urdu ?

(iv) in the case of a film produced in any other part of India, in any language other than Hindi, Hindustani, Urdu, Kannada, Gujarati or Marathi ?†

(*j*) Amount of fee accompanying the application on account of—

(i) the fee prescribed under sub-rule (1) of rule 32,

(ii) the fee prescribed under sub-rule (2) of rule 32.†

I declare that the film is predominantly an educational film and request that a certificate be issued to that effect to enable the applicant to obtain exemption from customs duty.

Name of the applicant.

I declare that the statements above recorded are true in every particular.

Date : ..... Signature of applicant.

*Score out the word or words which are not applicable.

†Note :—If the answer to any part of query (i) is in the affirmative, the application shall, in addition to the fee prescribed by sub-rule (1) of rule 32, be accompanied by the translation fee specified in sub-rule (2) of rule 32.

FORM II

202

(*See* rule 23)

(To be submitted in duplicate)

Report under rule 23 of the Cinematograph (Censorship) Rules, 1951, regarding the importation/printing of extra copies of a film *before* certification.

Name of applicant :

Name of film :

Name of Producer :

Length of film :

Date of application for certification :

Number of copies imported/printed after the date of the application for certification.

To

The Regional Officer, Central Board of Film Censors, at Bombay/Calcutta/Madras.

I declare that the accompanying report is true in every respect and that the copies in respect of which this report is made are exact copies of the film therein referred to, and that no excisions, additions or alterations whatsoever have been made therein.

†I further declare that the film is an Educational Film and request that the copies now imported be certified as such to enable the applicant to obtain exemption from customs duty.

Date : Signature of applicant.

‡Certificate of the Central Board of Film Censors.

I....., Regional Officer, Central Board of Film Censors, at Calcutta/Bombay/Madras hereby certify that the film referred to in this report has been passed as a predominantly Educational Film.

Signature of Regional Officer.

‡Score out if not applicable.

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FORM III.

[*See* Sub-rule (1) of Rule 31.]

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CENSORS.

This is to CERTIFY that the film entitled.....has been passed for UNRESTRICTED public exhibition within the territories of India to which the Cinematograph Act, 1918 extends.

APPLICANT.....
PRODUCED BY.....
LENGTH OF THE FILM.....ft.
NO. OF CERTIFICATE.....

U

Dated,....., the..... 195—. *Chairman,*

CENTRAL BOARD OF FILM CENSORS.

FORM IV.

[*See* Sub-rule (1) of Rule 31.]

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CENSORS.

This is to CERTIFY that the film entitled.....has been passed for public exhibition restricted to ADULTS within the territories of India to which the Cinematograph Act, 1918 extends.

APPLICANT.....
PRODUCED BY.....
LENGTH OF THE FILM.....ft.
NO. OF CERTIFICATE.....

A

Dated,....., the..... 195 . *Chairman,*

CENTRAL BOARD OF FILM CENSORS.

FORM V.

(*See* Rule 30.)

204

(*To be submitted in duplicate.*)

Report under Rule 30 of the Cinematograph (Censorship) Rules 1951, regarding the importation/printing of extra copies of film *after* certification.

NAME OF APPLICANT.....
NAME OF FILM.....
NUMBER & DATE OF CERTIFICATE ISSUED.....
LENGTH OF FILM.....ft.

Number of copies imported/printed after the issue of the Certificate.

(*a*) before the present Report.....

(*b*) now.....

Signature of applicant

and date of application.

To

The Central Board of Film Censors, through the
Regional Officer, at Bombay/Calcutta/Madras.

I declare that the accompanying report is true in every respect and that the copies in respect of which this report is made are exact copies of the film as certified for public exhibition by the Board and that no excisions, additions or alterations whatsoever have been made therein.

*I further declare that the film is a predominantly Educational Film and, as such, was exempted from the payment of customs duty when imported.

Date :

Signature of applicant.

**Certificate of the Central Board of Film Censors.*

I..... Regional Officer, Central Board of Film Censors, at Calcutta/Bombay/Madras hereby certify that the film referred to in this report has been passed as a predominantly Educational Film.

Date :

Signature of Regional Officer.

*Score through if inapplicable.

205 FORM VI.

Certificate of a film being predominantly Educational.

[*See* Sub-rule (4) of Rule 31.]

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CENSORS.

Certificate No..... of 19 .

This is to certify that the parcel containing the following films was delivered to Shri.....Regional Officer/Secretary, Central Board of Film Censors at Bombay/Calcutta/Madras who examined the seals and identified that films according to the particulars verified at the time of the customs examination, and that the Board is satisfied that the films are of a predominantly educational nature and comply with the requirements for exemption from Customs Duty.

	Name of Film.	Name of Producer.	Length of Film.
1.			
2.			
3.			

Name of Importer

Date :

Signature of Regional Officer,

(No. 20/16/49-F).

C.B. RAO, Dy. Secy.

Reg. No. M. 1175.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, SATURDAY, FEBRUARY 3, 1951.

PART IV

Section 1-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. E.B. 579, dated Bangalore, 3rd February 1951.

In exercise of the powers conferred by clause (*a*) of sub-section (3) of section 27 of the Representation of the People Act, 1950 (Central Act XLIII of 1950), His Highness the Maharaja of Mysore hereby directs, with the concurrence of the Election Commission, that for the purpose of elections to the Legislative Council of the Mysore State in the Graduates' Constituencies, each of the qualifications specified in the schedule below shall be deemed to be equivalent to that of a graduate of a University in the territory of India.

SCHEDULE.

1. **Degrees:—**

(*a*) A degree conferred by any University in the United Kingdom or any other country within the Commonwealth or the Irish Free State, provided such University has been recognized by the Government of the country concerned.

(*b*) A degree conferred by a French or German or American University approved by the Inter-University Board of India.

II. Other Qualifications :—

(*a*) *India.*—(1) A.M.I.C.E.
(2) A.M.I.E.E. } of the Institute of Engineers.
(3) A.M.I.M.E.
(4) M.C.P.S. in Medicine, granted by any authority empowered by any law in force in India.
(5) Titles in Languages or music conferred by any University in India or by any Educational Institution in the State of Mysore and recognised by the Government of Mysore.

(*b*) *Foreign.*—(1) Fellowship or membership of a Royal College in any of the various Faculties in the United Kingdom and other countries within the Commonwealth.
(2) Enrolment as a Barrister of England or Ireland or a member of the Faculty of Advocates in Scotland.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. 5053—L.A. Bangalore, dated 29th January 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Court Fees (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE COURT FEES (AMENDMENT) BILL, 1951.

We, the Members of the Select Committee to which the Mysore Court Fees (Amendment) Bill, 1951, was referred, have considered the Bill in detail and have the honour to submit the following report :—

While agreeing that article 2A of the First Schedule proposed to be inserted by clause 2 may remain as it is, some of us feel that it may not cover the cases of all defendants since some defendants may not pray for partition of their share but nonetheless get the advantage of their shares being partitioned and separated off. We think that such cases may be covered by separate legislation, if found necessary. We therefore recommend that clause 2 may remain as it is.

Consequential upon the amendment proposed, we consider it necessary that Section 16 of the Mysore Court Fees Act, 1900, should also be amended and we accordingly recommended that item (ii) of Section 16 may be substituted by the following item, namely,

> "(ii) Written statement not being one mentioned in article 2A Schedule I nor one containing a counter claim, set off, or a prayer other than a prayer for instalments or relating to costs of the suit."

The Bill was published in the Gazette Extraordinary dated the 12th January 1951.

In our opinion the Bill has not been so altered as to require republication.

K. T. BHASHYAM.
K. SAMPANGIRAMIAH.
G. VEERAPPA.
A. BHEEMAPPA NAIK.
KADIDAL MANJAPPA.
W. H. HANUMANTHAPPA.
MOHAMED HANIEF.
L. SIDDAPPA.
A. R. SOMANATHA IYER,
(*Advocate-General*).

BANGALORE,
23rd January 1951.

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[As amended by the Select Committee.]

(Words sidelined indicate the additions suggested by the Committee.)

THE MYSORE COURT FEES (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Court Fees Act, 1900.

Preamble.

Whereas it is expedient further to amend the Mysore Court Fees Act, 1900, (Mysore Act III of 1900), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Court Fees (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of Section 16 of Mysore Act III of 1900.

2. In section 16 of the Mysore Court Fees Act, 1900, (hereinafter referred to as the said Act) for clause (ii), the following clause shall be substituted, namely:—

"(ii) Written statement not being one mentioned in article 2-A of Schedule I, nor one containing a counter-claim, set off or a prayer other than a prayer for instalments or relating to costs of the suit".

Amendment of Schedule to Mysore Act III of 1900.

3. In Schedule I to the said Act, after article 2, the following article shall be inserted, namely;

Number		Proper fee
"2-A. Application or written statement by a defendant in a suit for partition praying for partition of his share in the property sought to be partitioned.	...	The same fee which would have been payable on a plaint, if such defendant instituted a suit for partition."

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NOTIFICATION.

No. 5054—L.A. Bangalore, dated 29th January 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Debt Conciliation (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE DEBT CONCILIATION (AMENDMENT) BILL, 1951.

We, the Members of the Select Committee to which the Mysore Debt Conciliation (Amendment) Bill, 1951, was referred, have considered the Bill in detail and have the honour to submit the following report :—

We think that the proviso to Section 26 proposed by clause 2 should be recast so as to cover all cases dealt with by the main section and to grant adequate relief in all cases. We accordingly recommend that the proviso may be redrafted as follows :—

"Provided that such application is made,

(i) in the case of a suit, within three months after the date of service of summons on the defendant, or within three months from the date of commencement of the Mysore Debt Conciliation (Amendment) Act, 1951, whichever is later ; and

(ii) in the case of any other proceeding, within three months from the date of commencement of the Mysore Debt Conciliation (Amendment) Act, 1951.

Explanation : A defendant shall be deemed to have been served with summons,

(i) on the date on which summons is served, or

(ii) on the date on which he takes notice of suit and enters appearance, or

(iii) on the date on which he files an application to set aside an *ex parte* decree."

The Bill was published in the Gazette Extraordinary dated the 12th January 1951.

In our opinion the Bill has not been so altered as to require republication.

K. T. BHASHYAM
(*Chairman*).
H. SIDDANANJAPPA.
S. RANGARAMIAH.
H. C. LINGA REDDY.
K. PUTTASWAMY.
A. R. SOMANATHA IYER
(*Advocate-General*).
D. H. CHANDRASEKHARAIYA.

Mushir-ul-mulk J. Mohamed Imam was absent at the meeting of the Select Committee.

BANGALORE,
Dated 24th January 1951.

[As amended by the Select Committee.]

(Words sidelined indicate the substitution suggested by the committee.)

THE MYSORE DEBT CONCILIATION (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Debt Conciliation Act, 1937.

Preamble.

Whereas it is expedient further to amend the Mysore Debt Conciliation Act, 1937, (Mysore Act VI of 1937), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Debt Conciliation (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of section 26 of Mysore Act VI of 1937.

2. To section 26 of the Mysore Debt Conciliation Act, 1937, the following proviso shall be added, namely:—

"Provided that such application is made,

(i) in the case of a suit, within three months after the date of service of summons on the defendant, or within three months from the date of commencement of the Mysore Debt Conciliation (Amendment) Act, 1951, whichever is later; and

(ii) in the case of any other proceeding, within three months from the date of commencement of the Mysore Debt Conciliation (Amendment) Act, 1951.

Explanation: A defendant shall be deemed to have been served with summons,

(i) on the date on which summons is served, or

(ii) on the date on which he takes notice of suit and enters appearance, or

(iii) on the date on which he files an application to set aside an *ex parte* decree."

NOTIFICATION.

No. 5058—L.A. Bangalore, dated 30th January 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the of the Select Committee on the Mysore Lotteries and Prize Competitions Control and Tax Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

Report of the Select Committee on the Mysore Lotteries and Prize Competitions Control and Tax Bill, 1951.

We, the Members of the Select Committee to which the Mysore Lotteries and Prize Competitions Control and Tax Bill, 1951 was referred have considered the several clauses of the Bill in detail and have the honour to submit this report:

1. *Clause 2.*—We recommend that a definition of the word "licence" may be added as follows:

"Licence" means a licence granted under this Act;

This definition may be numbered as item (*b*) and the existing item (*b*) be re-numbered as item (*c*).

We recommend that the present item (*c*) being the definition of the word "newspaper" may be omitted, as that word, in view of the other recommendations of this Committee, will not occur in the Bill.

We are of the opinion that exclusion of prize competitions contained in newspapers printed and published outside the State of Mysore is not desirable and we accordingly recommend that the words

> "but does not include a prize competition contained in a newspaper printed and published outside the State of Mysore;"

may be omitted from the definition of 'prize competition' in item (*e*).

In item (*f*) we recommend that the word "beginning" may be omitted.

2. *Clause 4.*—In clause 4 (1) (*a*) we recommend that after the word "number" the word "colour" may be added.

We recommend that item (*f*) may be recast as follows:

"(*f*) sends or attempts to send out of the State,

(i) any money or valuable thing received in respect of the sale or distribution of any ticket or chance in the lottery; or

(ii) any document recording the sale or distribution of any ticket or chance in the lottery; or

(iii) any document recording the identity of the holder of any ticket or chance in the lottery; or"

3. *Clause 5.*—In order that the language of this clause may be in keeping with that of clause 3 we recommend that for the words "A lottery promoted as an incident of an entertainment shall be deemed to be an unlawful lottery, unless the promoter thereof has obtained a licence", the words "A lottery promoted as an incident of an entertainment shall not be deemed to be an unlawful lottery if the promoter thereof has obtained a licence" may be substituted.

We recommend that item (*iii*) of sub-clause (2) (*a*) of this clause may be recast as follows:

"such sum (if any) not exceeding five hundred rupees as may be specified in the licence as expenses which may be incurred by the promoters in purchasing prizes in the lottery."

4. *Clause 6.*—In order that the language of this clause may be in keeping with that of clause 3 we recommend that for the words "A private lottery shall be deemed to be an unlawful lottery unless the promoter thereof has obtained a licence", the words "A private lottery shall not be deemed to be an unlawful lottery if the promoter thereof has obtained a licence" may be substituted.

In item (*a*) of sub-clause (2) we recommend that for the words "purchasers of tickets or chances" the words "purchasers of winning tickets or chances", may be substituted.

5. *New Clause.*—After clause 6 we recommend that a new clause may be inserted as follows in order to cover cases of lotteries which may be promoted for the benefit of charitable, religious or educational institutions or organisations; and the subsequent clauses re-numbered suitably:

"7. (1) Notwithstanding anything to the contrary contained in this Act, the State Government may, in respect of a lottery promoted for the benefit of a charitable, religious or educational institution or organisation, grant a licence subject to such conditions and on the payment of such fees or taxes as may be specified in the said licence and such lottery shall not be deemed to be an unlawful lottery:

Provided that the rate of tax shall not be, in any case, higher than the rates set out in item (*a*) of sub-section (1) and sub-section (2) of section 12.

(2) If any of the conditions specified in any licence granted under sub-section (1) is contravened, each of the promoters of the lottery and where the person by whom the condition is contravened, is not one of the promoters, that person also, shall, on conviction, be punishable—

(*a*) for the first offence with fine which may extend to one thousand rupees;

(*b*) for the second offence with fine which may extend to two thousand rupees; and

(*c*) for any subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both:

Provided that in any proceeding under this section, it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge."

6. *Clause 7.*—In order that the language of this clause may be in keeping with that of clause 3, we recommend that for the words "A prize competition shall be deemed to be an unlawful prize competition unless a licence in respect of such competition has been obtained," the words "A prize competition shall not be deemed to be an unlawful prize competition if a licence in respect of such competition has been obtained" may be substituted.

The bill was published in the *Mysore Gazette* Extraordinary dated 23rd January 1951. In our opinion, the Bill has not been so altered as to require republication.

K. T. BHASHYAM (*Chairman*),
M. GOVINDA REDDY,
V. S. NARAYANA RAO,
H. SIDDANANJAPPA,
L. SIDDAPPA,
MOHAMED VALIULLA,
M. HUTCHAMASTI GOWDA,
A. R. SOMANATH IYER (*Advocate-General*).

BANGALORE,
Dated 28*th January* 1951.

AS AMENDED BY THE SELECT COMMITTEE.]

(*Words underlined or sidelined indicate the amendments or substitution suggested by the Committee. Omissions are indicated by asterisks.*)

THE MYSORE LOTTERIES AND PRIZE COMPETITIONS CONTROL AND TAX BILL, 1951.

A Bill to control and to tax lotteries and prize competitions in the State of Mysore.

WHEREAS it is expedient to control and to levy a tax on lotteries and prize competitions in the State of Mysore; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context. Definitions.

(*a*) "coupon" includes, in relation to a prize competition, any document in which the solution to the competition is submitted by any person;

(*b*) "licence" means a licence granted under this Act;

(*c*) "money" includes a cheque or any other negotiable instrument, a postal order or money order;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "prize competition" includes—

(i) cross-word prize competition, missing words prize competition, picture prize competition, number prize competition, or any other competition for which the solution is prepared beforehand by the promoters of the competition or for which the solution is determined by lot;

(ii) any competition in which prizes are offered for forecasts of the results either of a future event or of a past event the result of which is not yet ascertained or not yet generally known; and

(iii) any other competition, success in which, does not depend to a substantial degree upon the exercise of skill;

* * * *

(*f*) "quarter" means a period of three months * * * from the 1st January to 31st March, from 1st April to 30th June, from 1st July to 30th September and from 1st October to 31st December in each year;

(*g*) "State" means the State of Mysore;

(*h*) "ticket" includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of the lottery.

(2) For the purposes of this Act—

(*a*) reference to printing shall be construed as including references to writing and other modes of representing or reproducing words in a visible form; and

(*b*) documents or other matters shall be deemed to be distributed if they are distributed to persons or in places whether within or outside the State and the expression 'distribution' shall be construed accordingly.

All lotteries unlawful.

3. Subject to the provisions of this Act, all lotteries are unlawful.

Offences in connection with lotteries.

4. (1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted, either in the State or elsewhere—

(*a*) publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear from doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number colour, or figure in the lottery; or

(*b*) prints any tickets for use in the lottery; or

(c) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery ; or

(d) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—

(i) any advertisement of the lottery ; or

(ii) any list (whether complete or not) of prize winners or winning tickets in the lottery ; or

(iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries ; or

(e) brings, or invites any person to send into the State, for the purpose of sale or distribution any ticket in, or advertisement of, the lottery ; or

(f) sends or attempts to send out of the State,

(i) any money or valuable thing received in respect of the sale or distribution of any ticket or chance in the lottery ; or

(ii) any document recording the sale or distribution of any ticket or chance in the lottery ; or

(iii) any document recording the identity of the holder of any ticket or chance in the lottery ; or

(g) uses any premises, or permits any premises to be used, for purposes connected with the promotion or conduct of the lottery ; or

(h) causes or attempts to cause any person to do any of the abovementioned acts,

shall, on conviction, be punishable—

(i) for the first offence with fine which may extend to one thousand rupees ;

(ii) for the second offence with fine which may extend to two thousand rupees ; and

(iii) for any subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both.

(2) In any proceedings instituted under sub-section (1), an accused person shall not be deemed to be guilty if he proves that the lottery to which the proceedings relate was such a lottery as is not deemed to be an unlawful lottery or prize competition under section 5, 6, 7 or 8, as the case may be, and that at the date of the alleged offence the accused believed and had reasonable grounds for believing that there was no contravention of any of the conditions required by section 5 or section 6 or section 7 to be observed in connection with the promotion and conduct of the lottery.

Licensed entertainment lotteries not unlawful.

5. (1) A lottery promoted as an incident of an entertainment shall not be deemed to be an unlawful lottery, if the promoter thereof has obtained a license in respect of such lottery.

(2) The following conditions shall be observed by the promoter in connection with the promotion and conduct of such lottery, namely :—

(*a*) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery ;

(ii) the expenses incurred in printing tickets in the lottery ; and

(iii) such sum (if any) not exceeding five hundred rupees, as may be specified in the licence as expenses which may be incurred by the promoters in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain ;

(*b*) none of the prizes in the lottery shall be money prizes ;

(*c*) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment ; and

(*d*) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) If any of the conditions specified in sub-section (2) is contravened, every person concerned in the promotion or conduct of the lottery shall, on conviction, be punishable—

(*a*) for the first offence with fine which may extend to one thousand rupees ; and

(*b*) for the second offence with fine which may extend to two thousand rupees ; and

(*c*) for any subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both :

Provided that in any proceeding under this section, it shall be a defence for a person charged to prove that the offence was committed without his knowledge.

Explanation.—The entertainments to which this section applies are, bazaars, shandies, exhibitions, sales of work, exhibition of feats and other entertainments of a similar character, whether limited to one day or extending over two or more days.

Licensed private lotteries not unlawful.

6. (1) A private lottery shall not be deemed to be an unlawful lottery, if the promoter thereof has obtained a licence in respect of such lottery.

(2) The following conditions shall be observed by the promoter in connection with the promotion and conduct of such lottery, namely :—

(*a*) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of winning tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either to the provision of prizes as aforesaid or to purposes which are purposes of the society or, as to a part of the proceeds, to the provision of prizes as aforesaid and, as to the remainder, to such purposes as aforesaid ;

(*b*) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—

(i) a notice thereof exhibited on the premises of the society for whose members it is promoted or,

as the case may be, on the premises on which the persons for whom it is promoted work or reside ; and

(ii) such announcement or advertisement thereof as is contained in the tickets, if any :

(c) the price of every ticket or chance shall be the same and shall be stated on the ticket ;

(d) every ticket shall bear upon the face of it the name and address of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement ;

(e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned ; and

(f) no tickets in the lottery shall be sent through the post.

(3) If any of the conditions specified in sub-section (2) is contravened, each of the promoters of the lottery, and where the person by whom the condition is contravened, is not one of the promoters, that person also, shall, on conviction, be punishable—

(a) for the first offence with fine which may extend to one thousand rupees ;

(b) for the second offence with fine which may extend to two thousand rupees ; and

(c) for any subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both :

Provided that in any proceeding under this section, it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge.

Explanation.—For the purpose of this section—

(a) the expression "private lottery" means a lottery in the State which is promoted for, and in which

the sale of tickets or chances by the promoters is confined to, either—

(i) members of one society established and conducted for purposes not connected with gaming, wagering or lotteries ; or

(ii) persons all of whom work on the same premises ; or

(iii) persons all of whom reside on the same premises,

and which is promoted by persons each of whom is a person to whom under the foregoing provisions tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorised in writing by the governing body of the society to promote the lottery ; and

(*b*) the expression "society" includes a club, institution, organisation or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

Licensed charitable lotteries not unlawful.

7. (1) Notwithstanding anything to the contrary contained in this Act, the State Government may, in respect of a lottery promoted for the benefit of a charitable, religious or educational institution or organisation, grant a licence, subject to such conditions and on the payment of such fees or taxes as may be specified in the said licence, and such lottery shall not be deemed to be an unlawful lottery :

Provided that the rate of tax shall not be, in any case, higher than the rates set out in clause (*a*) of sub-section (1) and sub-section (2) of section 12.

(2) If any of the conditions specified in any licence granted under sub-section (1) is contravened, each of the promoters of the lottery, and where the person by whom the condition is contravened, is not one of the promoters, that person also, shall, on conviction, be punishable—

(*a*) for the first offence with fine which may extend to one thousand rupees ;

(*b*) for the second offence with fine which may extend to two thousand rupees ; and

(c) for any subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both :

Provided that in any proceeding under this section, it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge.

Unlicensed prize competitions unlawful.

8. A prize competition shall not be deemed to be an unlawful prize competition if a licence in respect of such competition has been obtained by the promoter thereof.

Penalty for contravention of section 8.

9. Without prejudice to his liability, if any, to be proceeded against under the preceding provisions of this Act relating to lotteries, whoever contravenes the provisions of section 8 shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Licences.

10. Every licence granted under this Act shall be granted by the State Government on payment of such fees and subject to such conditions and shall be in such form as may be prescribed.

Suspension or cancellation of licence.

11. The State Government may suspend or cancel a licence granted under this Act—

(1) if there is any breach of any of the conditions subject to which the licence is granted ; or

(2) if the holder of such licence contravenes any of the conditions specified in section 5 or section 6 or in a licence referred to in section 7 ; or

(3) if any tax payable under section 12 is not duly paid by the promoter ; or

(4) if the holder of such licence contravenes any of the provisions of section 15 ; or

(5) for any other reason for which the suspension or cancellation of the licence is, in the opinion of the State Government, necessary in the public interest.

12. (1) There shall be levied—

Levy of tax on lotteries and prize competitions.

(*a*) in respect of every lottery for which a licence has been obtained under section 5, section 6 or section 7, a tax at such rate not exceeding twelve and a half per cent of the total sum received or due in respect of such lottery as may be specified by the State Government, by notification in the *Mysore Gazette*; and

(*b*) in respect of every prize competition for which a licence has been obtained under section 8, a tax at such rate not exceeding twenty-five per cent of the total sum received in respect of such competition, as may be specified by the State Government, by notification in the *Mysore Gazette*.

The tax shall be collected from the promoter of such lottery or prize competition, as the case may be.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the *Mysore Gazette*, direct that the tax to be levied in respect of a lottery or prize competition shall be at such rate not exceeding fifty per cent of the total sum received or due in respect of such lottery or prize competition as may be specified in the notification.

(3) The Deputy Commissioner may, after making such inquiry as he deems fit, determine the person who shall be deemed to be the promoter for the purposes of this section.

13. (1) The amount of tax to be levied in respect of a lottery or prize competition under section 12, shall be calculated by the Deputy Commissioner on the total sum received or due in respect of the lottery or prize competition as disclosed in the accounts maintained and statements submitted to him under section 15.

Calculation and recovery of tax levied under section 12.

(2) In cases where no such accounts are maintained or where no such statements are submitted or where such accounts or statements are in the opinion of the Deputy Commissioner, false or incorrect, the Deputy Commissioner shall make the calculation to the best of his judgment.

(3) The tax leviable under section 12 shall, in the case of a prize competition, be paid within thirty days of the end of each quarter and in the case of a lottery be paid

within thirty days of the date on which such lottery is drawn.

(4) If any tax payable under section 12 is in arrear, the Deputy Commissioner may, in lieu thereof, recover any sum not exceeding double the amount of the tax so unpaid or any smaller sum above the amount of the tax which the Deputy Commissioner may think it reasonable to recover.

Licence fee and other dues to be recoverable as arrears of land revenue.

14. All sums payable as fees or taxes under this Act shall be recoverable as arrears of land revenue.

Promoters of lotteries or prize competitions to keep and maintain accounts.

15. Every person promoting a lottery or prize competition of any kind shall keep and maintain proper and correct accounts relating to such lottery or competition and shall submit to the Deputy Commissioner statements in such form and at such period as may be prescribed.

Penalty for failure to keep accounts.

16. If any promoter of a lottery or prize competition liable under section 15, to keep accounts or to submit statements, fails to keep the accounts or to submit the statements in the manner and at the period prescribed, he shall, on conviction, be punishable with fine which may extend to five hundred rupees.

Power of Deputy Commissioner to require production of accounts or to inspect accounts.

17. The Deputy Commissioner may, for the purposes of this Act, at all reasonable times—

(i) require any promoter of a lottery or prize competition to produce before him accounts or other documents or to furnish any other information; or

(ii) inspect the accounts of any such promoter.

Power of entry and search.

18. It shall be lawful for a police officer—

(i) in the City of Bangalore not below the rank of a Sergeant or Sub-Inspector and either empowered by general order in writing or authorised in each case by special warrant issued by the District Magistrate, and

(ii) elsewhere not below the rank of a Sub-Inspector of Police, authorised by a special warrant issued in

each case by a Magistrate of the First Class or a District Superintendent of Police or by an Assistant Superintendent of Police specially empowered by the State Government in this behalf;

(*a*) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any house, room, or place which he has reason to suspect is used for purposes connected with the promotion or conduct of any lottery or prize competition;

(*b*) to search all parts of the house, room or place which he shall have so entered, the persons whom he shall find therein and also such persons as may be specified by name in the warrant;

(*c*) to take into custody and bring before a Magistrate all such persons;

(*d*) to seize all things which are reasonably suspected to have been used or intended to be used in connection with a lottery or prize competition and which are found therein:

Provided that no officer shall be authorised by special warrant unless the District Magistrate, the District or Assistant Superintendent of Police concerned is satisfied, upon any complaint made before him on oath and upon making such inquiry as he thinks necessary, that there are reasonable grounds to suspect that the said house, room, or place is used or is intended to be used for purposes connected with the promotion or conduct of an unlawful lottery or prize competition.

Searches how made.

19. All searches made under section 18, shall be made in accordance with the provisions of the Code of Criminal Procedure, 1904.

Power to arrest without warrant in certain cases.

20. A Police Officer may apprehend without warrant any person found or reasonably suspected of committing an offence under clause (*a*), (*c*) or (*d*) of sub-section (1) of section 4, in any public street, or thoroughfare or in any place to which the public have or are permitted to have access.

Power of investigation.

21. (1) Every Officer not below the rank of Sub-Inspector of Police shall have power to investigate all offences punishable under this Act.

(2) Every such officer shall, in the conduct of such investigation, exercise the powers (except the power to arrest without warrant otherwise than under section 20) conferred by the Code of Criminal Procedure, 1904, upon an officer in charge of a police station for the investigation of a cognizable offence.

Offences to be bailable.

22. All offences punishable under this Act shall be bailable.

Jurisdiction to try offences.

23. No Magistrate, below the rank of a Magistrate of the First Class, shall try an offence under this Act.

Authorisation of certain officers to perform the functions of Deputy Commissioner.

24. The State Government may, by general or special order, authorise any officer to perform the functions of the Deputy Commissioner under any of the provisions of this Act.

Offences by corporation, etc.

25. Where a person committing an offence under this Act is a company or other body corporate or an association of persons, (whether incorporated or not) every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge, be deemed to be guilty of such offence.

Deputy Commissioners and all officers to act subject to orders of State Government.

26. The Deputy Commissioners and all officers duly authorised under section 24 shall exercise the powers and perform the duties conferred and imposed on them by or under this Act, in accordance with such orders as the State Government may, from time to time, make.

Officers to be deemed public servants.

27. All officers acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

28. (1) No suit, prosecution or other legal proceeding shall be instituted against any officer of the State Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. Protection of persons acting in good faith and limitation of suits and prosecutions.

(2) No suit shall be instituted against the State Government and no prosecution or suit shall be instituted against any officer of the State Government in respect of anything done or intended to be done, under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained of.

29. (1) Any person aggrieved by any order passed under this Act by the Deputy Commissioner or any officer authorised under section 24, may appeal against such order to the Excise Commissioner in Mysore or to such other officer as the State Government may appoint in this behalf. Appeal and revision.

(2) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-section (3), be final and shall not be liable to be called in question in any court of law whether in a suit or other proceeding or by way of appeal or revision.

(3) The State Government, may, at any time, call for and examine the record of any order *, or the proceedings of, any officer or person for the purpose of satisfying itself as to the legality or propriety of such order passed by, or as to the regularity of such proceedings of, such officer or person and may pass such order in reference thereto as it thinks fit.

30. The State Government may exempt from all or any of the provisions of this Act any lottery or any prize competition the net proceeds of which are to be devoted to a charitable purpose. Exemption.

31. (1) The State Government may, by notification in the *Mysore Gazette*, make rules for the purposes of carrying out the provisions of this Act. Rules.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for the following matters :—

(i) the procedure for the grant of licences, the form of licence and the fees on payment of which and the conditions subject to which a licence shall be granted under section 10 ;

(ii) the manner in which the accounts shall be kept and maintained and the form in which and the period at which, the statements of accounts are to be submitted under section 15.

(3) Any rule made under this section may provide that any person contravening any such rule shall, on conviction, be liable to fine which may extend to one hundred rupees.

(4) Rules made under this section shall be subject to the condition of previous publication.

Saving

32. Nothing in this Act shall apply to—

(*a*) any person who carries on the business or vocation of or acts as a book-maker or turf commission agent under a licence or permit issued by any Racing Club or by the Stewards thereof to enable him to carry on his business or vocation under the conditions mentioned under the exception to section 4 (i) (1) of the Mysore Police Act, 1908, as specified in the licence or permit or to any entries in respect of any stake or bet received by such person ;

(*b*) lotteries organised by the Government of India or the Government of a State within the meaning of entry 40 of List I in the Seventh Schedule to the Constitution of India.

Repeal of section 294-A of Act XLV of 1860.

33. The provisions of section 294-A of the Indian Penal Code, (XLV of 1860), are hereby repealed.

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PART IV

Section 1-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 3160—Legis. 6-50-79, Bangalore, dated 2nd February 1951.

Ordered that the following Notification No. S.R.O. 1075, dated the 23rd December 1950 of the Ministry of Finance, under the Foreign Exchange Regulation Act, 1947, (VII of 1947) published in the *Gazette of India*, Part II, Section 3, dated the 23rd December 1950, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FINANCE

NOTIFICATION.

New Delhi, the 23rd December 1950.

S.R.O. 1075.—In exercise of the powers conferred by sections 8, 9, 15 and 19 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Central Government is pleased to direct that in the Notifications of the Ministry of Finance

described in the first column of the Schedule hereto annexed the amendment specified in the corresponding entry in column 2 thereof shall be made.

SCHEDULE

Sl. No.	Notification No. and Date	Nature of Amendment
1	No. 12 (11) FI/48, dated the 25th August, 1948	For the words "the provinces of India" the words "the States" shall be substituted.
2	No. 12 (12) FI/49, dated the 10th September, 1949.	(a) for the words "the Provinces of India" the words "the States" shall be substituted. (b) the words "and Hyderabad" shall be omitted.
3	No. 12 (13) FI/47, dated the 25th March, 1947.	(a) for the words "British India" wherever they occur, the words "the States" shall be substituted. (b) for the words "subjects to His Majesty or any Indian State" the words "citizens of India" shall be substituted.
4	No. 12 (15) FI/47, dated the 25th March, 1947.	(a) for the words "British India" the words "the States" shall be substituted. (b) for the words "subjects of His Majesty or any Indian State" the words "citizens of India" shall be substituted.
5	No. D. 15825-FI/48, dated the 1st January, 1949.	For the words "the Provinces of India" the words "the States" shall be substituted.

[No. 7571 EFI/50]
G. R. KAMAT, Jt. Secy.

NOTIFICATION.

No. L.D. 3161—Legis. 6-50-80, Bangalore, dated 2nd February 1951.

Ordered that the following Notification No. S. R. O. 1076, dated the 23rd December 1950 of the Ministry of Finance (Reserve Bank of India) under the Foreign Exchange Regulation Act, 1947 (VII of 1947), published in the *Gazette of India*, Part II, Section 3, dated the 23rd December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF FINANCE

RESERVE BANK OF INDIA

Central Office 234

NOTIFICATION.

Bombay, the 23rd December 1950.

S.R.O. 1076.—In exercise of the powers conferred by sections 4, 8, 10, 13, 17 and 18 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), and in pursuance of the Notifications of the Government of India in the Ministry of Finance Nos. 12(11)—F. I/48, dated the 25th August 1948 and 12 (12)-F.I/49, dated the 10th September 1949, the Reserve Bank of India is pleased to direct that in the Notifications of the Reserve Bank of India described in the second column of the Schedule hereto annexed the amendments specified in the corresponding entry in column 3 thereof shall be made.

SCHEDULE.

S. No.	Number and date of the Notification	Nature of Amendments
1	2	3
1	No. F. E. R. A. 22/47-R. B., dated the 8th July 1947.	For the words "India or Hyderabad" the words "the States" shall be substituted.
2	No. F. E. R. A. 23/47-R. B., dated the 8th July 1947.	For the words "any Province of India" the words "any State" shall be substituted.
3	No. F. E. R. A. 25/47-R. B., dated the 10th July 1947.	(*i*) for the words "the Provinces of India" wherever they occur, the words "the States" shall be substituted. (*ii*) In Clause (*b*) for the words "an acceding State or Hyderabad" the words "Jammu and Kashmir" shall be substituted.
4	No. F. E. R. A. 31/47-R.B., dated the 14th August 1947.	(*i*) For the words "any Province of India" the words "any State" shall be substituted. (*ii*) In item (*a*) of the schedule the words "any acceding State, Hyderabad" shall be omitted and the words "Jammu and Kashmir" shall be inserted before the word "Pakistan".
5	No. F. E. R. A. 40/48-R. B., dated the 19th May 1948.	For the words "out of the Provinces of India to any acceding State or Hyderabad" the words "out of the States to Jammu and Kashmir" shall be substituted.
6	No. F. E. R. A. 45/48-R. B., dated the 25th August 1948.	In the schedule entries 2 and 3 shall be omitted.
7	No. F. E. R. A. 47/48-R. B., dated the 25th August 1948.	For the words "the Provinces of India", the words "the States" shall be substituted.
8	No. F. E. R. A. 48/48-R. B., dated the 25th August 1948.	(*i*) For the words "the Provinces of India", wherever they occur, the words "the States" shall be substituted. (*ii*) In the schedule entries 2 and 3 shall be omitted.

S. No. 1	Number and date of the Notification 2	Nature of Amendments 3
9	No. F. E. R. A. 51/48-R. B., dated the 25th August 1948.	In the schedule entries 2 and 3 shall be omitted.
10	No. F. E. R. A. 52/48-R. B., dated the 25th August 1948.	In the schedule entries 2 and 3 shall be omitted.
11	No. F. E. R. A. 58/48-R. B., dated the 25th August 1948.	(*i*) For the words "any Province of India" the words "any State" shall be substituted. (*ii*) In item (*a*) of the schedule, the words "Any acceding State, Hyderabad" shall be omitted, and the words "Jammu and Kashmir" shall be inserted before the word "Pakistan".
12	No. F. E. R. A. 60/48-R. B., dated the 25th August 1948.	(*i*) For the words "any Province of India" wherever they occur, the words "any State" shall be substituted. (*ii*) For the words "the Provinces of India", wherever they occur, the words "the States" shall be substituted. (*iii*) In clause (*a*) in paragraph I for the words "to any acceding State or Hyderabad" the words "to Jammu and Kashmir" shall be substituted.
13	No. F. E. R. A. 62/48-R. B., dated the 25th August 1948.	(*i*) For the words "the Provinces of India", the words "the States" shall be substituted. (*ii*) the word "Hyderabad" shall be omitted.
14	No. F. E. R. A. 85/49-R. B., dated the 30th August 1949.	For the words "the Provinces of India" wherever they occur, the words "the States" shall be substituted.
15	No. F. E. R. A. 87/49-R. B., dated the 10th September 1949.	(*i*) For the words "the Provinces of India" wherever they occur, the words "the States" shall be substituted. (*ii*) In clause (*i*) the words "and Hyderabad" and "or of any acceding State or of Hyderabad" shall be omitted. (*iii*) In clause (*iv*) the words "Hyderabad" and "or of any acceding State" shall be omitted.
16	No. F. E. R. A. 88/49-R. B., dated the 17th October 1949.	(*i*) For the words "the Provinces of India" the words "the States" shall be substituted. (*ii*) The words "and Hyderabad" shall be omitted.

[No. F. E. R. A. 92/50-R.B.]

N. SUNDARESAN, Dy. Governor.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H. A. 10175—Pol. 185-50-13, dated Bangalore, the 31st January 1951.

Ordered that the accompanying Notifications Nos. S.R.O. 62 (35-6-50—F.), S.R.O. 63 (20-16-49—F.) and S.R.O. 64 (35-3-50—F.), dated 15th January 1951, issued by the Government of India, Ministry of Information and Broadcasting and which were published in the *Gazette of India*, Extraordinary, dated 15th January 1951 be republished in the *Mysore Gazette* for general information.

Notification No. S.R.O. (35-6-50—F.), dated 15th January 1951.

In exercise of the powers conferred by sub-section (1) of Section 6 of the Cinematograph Act, 1918 (II of 1918) and Rule 3 of the Cinematograph (Censorship) Rules, 1951, the Central Government hereby constitutes the Central Board of Film Censors consisting of :—

CHAIRMAN.

Shri C. M. Agarwala.

MEMBERS.

Shri C. R. Srinivasan.
Shri Tushar Kanti Ghosh.
Shrimati Lilavati Munshi.
Shri S. K. Patil.
Dr. Amaranatha Jha.
Shri B. N. Sircar.

for the purpose of examining and certifying films as suitable for unrestricted public exhibition or for public exhibition restricted to adults.

Notification No. S.R.O. 63 (20-16-49), *dated* 15*th January* 1951.

In exercise of the powers conferred by sub-sections (1) and (2) of Section 9 of the Cinematograph Act, 1918 (II of 1918), the Central Government hereby directs that the following amendment shall be made in the Cinematograph (Censorship) Rules, 1951 :—

"For rule 14 of the said rules the following shall be substituted, namely :—

"14. Remuneration of Chairman and allowances payable to members of the Board and the Advisory Panel.

(1) The Chairman shall receive such salary and allowances and shall be subject to such other conditions of service as are specified in the terms of his appointment.

(2) Every member of the Board other than the Chairman and every non-official member of an Advisory Panel shall be paid such travelling allowances as the Central Government may from time to time determine."

Notification No. S.R.O. 64 (35-3-50—*F.*), *dated* 15*th January* 1951.

In exercise of the powers conferred by the proviso to sub-rule (1) of Rule 11 of the Cinematograph (Censorship) Rules, 1951, the Central Government hereby makes the following appointments with effect from the 15th January 1951 :—

Shri Kuppuswami Srinivasan.		Regional Officer of the Central Board of Film Censors at Madras.
Dr. Ram Mohan Ray	...	Regional Officer of the Central Board of Film Censors at Calcutta.
Shri J. J. J. Cursetji	...	Assistant Regional Officer of the Central Board of Film Censors at Bombay.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

No. D. 7416—Geo. 33-50-7, dated Bangalore, 22nd January 1951.

In exercise of the powers conferred by Section 4 of the Mysore Petroleum Act, 1942 (Mysore Act VI of 1942), His Highness the Maharaja of Mysore is pleased to make the following amendments to the Mysore Petroleum Rules, 1942, the same having been published in Part IV of the *Mysore Gazette* dated 14th September 1950, in Notification No. D. 3959—Geol. 33-50-2, dated 7th September 1950, as required by sub-section (2) of Section 29 of the said Act.

In the said Rules—

1. In sub-rule (3) of rule 67, sub-rule (2) of rule 69, sub-rule (3) of rule 70, sub-rule (3) of rule 74, sub-rule (2) of rule 75, sub-rule (2) of rule 108 and sub-rule (1) of rule 109, for the words "one rupee" the words "rupees two" shall be substituted.

2. In rule 76, for the words "three rupees", the words "rupees five" shall be substituted.

3. For sub-rule (2) of rule 109, the following sub-rule shall be substituted, namely:—

"(2) The fees for comparing a privately owned test apparatus with the Standard Test Apparatus shall be as follows:—

			Rs.
Abel Flash Point Apparatus or Pensky Morton Apparatus	...	...	45
Barometer	...	...	15
Thermometer	...	...	15

4. In rule 110—

(*a*) In sub-rule (1) for the words "five rupees" the words "rupees ten" shall be substituted.

(*b*) In sub-rule (2) for the words "five rupees" the words "rupees ten" shall be substituted.

5. In Schedule I—

(*i*) In column 5 against Article No. 1, for the words and figure "Re. 1", the words and figure "Rs. 2", shall be substituted.

(*ii*) In column 5 against Article No. 2, for the words and figure "Rs. 4", the words and figure "Rs. 6", shall be substituted.

(*iii*) In column 5 against Articles 3, 4, 5, 6 and 7, for the entries (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*), the following entries shall be substituted, namely :—

NON-DANGEROUS PETROLEUM.

(*a*) When the quantity to be stored does not exceed five hundred gallons.	Rs. 12.
(*b*) When the quantity to be stored exceeds five hundred but does not exceed one thousand gallons.	Rs. 20.
(*c*) When the quantity to be stored exceeds one thousand but does not exceed five thousand gallons.	Rs. 20 for the first one thousand gallons *plus* Rs. 5 for every additional one thousand gallons or part thereof.
(*d*) When the quantity to be stored exceeds five thousand but does not exceed fifty thousand gallons.	Rs. 40 for the first five thousand gallons *plus* Rs. 8 for every additional one thousand gallons or part thereof.
(*e*) When the quantity to be stored exceeds fifty thousand gallons.	Rs. 400 for the first fifty thousand gallons *plus* Rs. 50 for every additional twenty-five thousand gallons or part thereof subject to a maximum of Rs. 750.

DANGEROUS PETROLEUM.

(*f*) When the quantity to be stored or imported and stored does not exceed five hundred gallons.	Rs. 12.
(*g*) When the quantity to be stored or imported and stored exceeds five hundred gallons.	The same fees as those laid down for storage of non-dangerous petroleum.

6. In Schedule II—

(1) In form B, for the words and figures "Re. 1", the words and figures "Rs. 2" shall be substituted.

(2) In form C, for the words and figures "Rs. 4", the words and figures "Rs. 6" shall be substituted.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Local Self-Government Department.

No. S. R. 6612—Ex. 29-50-13, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clause (*a*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1289—Ex. 42-48-2, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspector-General of Police in Mysore, Bangalore, as the Commissioner for the purposes of the said Act and to direct that he shall exercise all the powers of a Deputy Commissioner under the said Act and have control of administration of the provisions of the said Act in such areas.

By Order of His Highness the Maharaja,

No. S. R. 6619—Ex. 29-50-14, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clause (*b*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1290—Ex. 42-48-3, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint, subject to the general control of the Deputy Commissioner of the District, the following District Superintendents of Police and Assistant Superintendents of Police to exercise within their territorial jurisdiction all the powers and perform all the duties of a Deputy Commissioner under the said Act, except those under Sections 22 and 23 of the said Act.

1. District Superintendent of Police, Kolar District, Kolar.
2. District Superintendent of Police, Tumkur District, Tumkur.
3. District Superintendent of Police, Chitaldrug District, Chitaldrug.
4. District Superintendent of Police, Chikmagalur District, Chikmagalur.
5. District Superintendent of Police, Shimoga District, Shimoga.
6. Special Superintendent of Police, Kolar Gold Fields.
7. Assistant Superintendent of Police, Tiptur Sub-Division, Tiptur.
8. Assistant Superintendent of Police, Davangere Sub-Division, Davangere.
9. Assistant Superintendent of Police, Sagar Sub-Division, Sagar.

By Order of His Highness the Maharaja,

No. S.R. 6622—Ex. 29-50-15, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clauses (*d*) and (*f*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1291—Ex. 42-48-4, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspectors of Police and Sub-Inspectors of Police to be *ex-officio* Prohibition Officers and to exercise within their respective jurisdictions all the powers and to perform all the duties of a Prohibition Officer under the said Act.

By Order of His Highness the Maharaja,

No. S.R. 6625—Ex. 29-50-16, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clauses (*d*) and (*f*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notifications Nos. (1) S.R. 3502-3—Ex. 85-49-4, dated the 4th February 1950, (2) S.R. 3504-5—Ex. 85-49-3, dated the 4th February 1950, and (3) S.R. 3506-7—Ex. 85-49-5, dated the 4th February 1950, His Highness the Maharaja of Mysore is pleased to appoint the Inspector of Police and the Sub-Inspectors of Police of the Central Intelligence Bureau, to be Prohibition Officers and to exercise all the powers, except the power under Section 31 of the said Act and to perform all the duties of a Prohibition Officer under the said Act.

By Order of His Highness the Maharaja,

No. S. R. 6629—Ex. 29-50-17, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 2819—Ex. 42-48-8, dated 14th December 1948, His Highness the Maharaja of Mysore is pleased to appoint the Police Daffedars of the Police Department as Prohibition Guards within their respective jurisdictions.

By Order of His Highness the Maharaja,

No. R. 11063—L.R. 457-50-2, dated Bangalore, 29—30th January 1951.

In exercise of the powers conferred by Section 233 of the Mysore Land Revenue Code, 1888, (Mysore Act No. IV of 1888), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Rules under the said Code, namely :—

1. After Rule 34 of the Rules under the said Code, the following Rule shall be inserted :—

Temporary use of Government water for cultivation paddy on dry lands.

"34-A. Notwithstanding anything contained in Rules 33 and 34 during the period ending with the first day of July 1952, if any person uses water from source other than Government tanks or irrigation works, and the right to which vests in the Government for cultivation of paddy on land not assessed as wet land—

(i) he shall be charged water-rate equal to the difference between the dry assessment of the land concerned and the wet assessment of the neighbouring wet lands, if the water is used after obtaining the permission of the Amildar concerned;

(ii) he shall be charged water-rate equal to double the difference between the dry assessment of the land concerned and the wet assessment of the neighbouring wet lands, if the water is used without obtaining the permission of the Amildar concerned."

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government,

Revenue Department.

No. C. 1319—Co. 38-50-2, dated Bangalore, 31st January 1951.

Ordered that the following Notifications issued under the Cotton Control Order, 1950, by the Central Government and the Textile Commissioner, Bombay, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agricultural Departments.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION.

New Delhi, the 7th November 1950.

S.R.O. 874.—In pursuance of clause 6 of the Cotton Control Order, 1950, I hereby declare that subject to the provisions of paragraph 2 below of this permission the following contracts relating to the Indian Cotton of the year 1950-51 shall be excluded from the operation of clause 4 of the said Order, namely :—

(i) Ready Contracts ;

(ii) Delivery Contracts : that is to say Forward Contracts for Cotton (full-pressed, half-pressed or loose) of specific qualities or types and for specific delivery at a specified price, delivery orders, railway receipts or bills of lading against which Contracts are not transferable to third parties.

2. (1) Nothing in this permission shall apply in relation to any contract for the sale or purchase of any cotton wherein the price stipulated is less than the minimum price or more than the maximum price according to the Textile Commissioner's Notification No. 1-(57) Tex.-2/50, dated the 21st August 1950, as applicable to the subject-matter of the contract having regard to the place of delivery.

(2) Every contract in which the final price is not named shall be read as if the following clause were inserted therein :—

"The price payable shall be within the range of the minimum and the maximum prices fixed under the Textile Commissioner's Notification No. 1(57) Tex. 2/50, dated the 21st August 1950.

(3) Nothing in this permission shall apply in relation to any contract of sale by a manufacturer except under and in accordance with the terms of a special permission granted by the Textile Commissioner.

(4) Nothing in this permission shall apply in relation to a contract of sale with an overseas buyer for the purposes of export.

No. 1(57) Tex. 2/50 (viii).

* **S.R.O. 875.**—In exercise of the powers conferred on me by clause 23 of the Cotton Control Order, 1950 and with the sanction of the Central Government I hereby authorise each of the officers specified in column (2) of the schedule below to exercise on my behalf the functions and powers of the Textile Commissioner under the clauses of the said order specified in column (1).

SCHEDULE.

	Clause.	*Officers.*
1.	7(1) and 8	Sri T. B. Dalal, Director (Cotton), Office of the Textile Commissioner.
2.	14, 15 and 17(1)	(1) Sri T. B. Dalal, Director (Cotton), Office of the Textile Commissioner; (2) All licensing authorities appointed by the various State Governments; (3) All Collectors of Districts in the Madras State; (4) All Revenue Divisional Officers in the Madras State; (5) The Sub-Collector, Pollachi, in the Madras State.
3.	20	(1) Sri T. B. Dalal, Director (Cotton), Office of the Textile Commissioner; (2) Sri Thomas de Sa, Assistant Director (Cotton), Office of the Textile Commissioner; (3) Sri A. N. Ramachandran, Assistant Director (Cotton), Office of the Textile Commissioner; (4) All licensing authorities appointed by the various State Governments; (5) All Officers in the Directorate of Enforcement, Ministry of Industry and Supply, New Delhi, not below the rank of an Enforcement Officer.

2. The Textile Commissioner's Notifications No. 1(33) Tex. 2/49(iv), dated the 10th November 1949, No. 1(33) Tex. 2/49(vii), dated the 3rd December 1949 and No. 1(33) Tex. 2/49(xi), dated the 21st January 1950, are hereby repealed.

No. 1(57) Tex. 2/50(viii).

* **S.R.O. 876.**—In exercise of the powers conferred on me by clause 23 of the Cotton Control Order, 1950, and with the sanction of the Central Government I hereby direct that the following amendment shall be made in the Textile Commissioner's Notification No. S.R.O. 58, dated the 20th May 1950, namely :—

In the said notification after the entries relating to Saurashtra State, Serial No. 10, the following entries shall be added, namely :—

(11)	Madhya Bharat	(1) All Officers of the Civil Supplies Department not below the rank of an Inspector; (2) All Officers of the Enforcement Branch of the Food and Civil Supplies Department not below the rank of a Sub-Inspector.

(12) Mysore State ... (1) Shri I. P. Mallappa, Assistant Controller of Civil Supplies;
(2) Shri D. R. Gunduraj, Assistant Controller of Civil Supplies;
(3) Shri R. Basavappaji, Enforcement Officer;
(4) Shri D M. Venkataramiah, Enforcement Officer".

No. 1 (57) Tex-2/50 (ix).

T. P. BARAT, *Textile Commissioner.*

S.R.O. 877.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (XXIV of 1946) the Central Government is pleased to direct that the following amendment shall be made in the Cotton Control Order, 1950, namely :—

In the said Order in each of the clauses 18 and 19 after the word "cotton" the words "or kapas" shall be inserted.

No. 1 (57) Tex.-2/50 (x).

B. K. KAUL, *Dy. Secy.*

Extract from the *Gazette of India*, Part II—Section 3, dated December 2, 1950.

Bombay, the 28th November, 1950.

S.R.O. 982.—The following Notification of Textile Commissioner is published for general information.

In exercise of the powers conferred on me by clause 18 of the Cotton Control Order, 1950, I hereby direct that the following amendment shall be made in the Textile Commissioner's Notification No. S.R.O. 597, dated the 13th September 1950 namely :—

In paragraph 1 of the said Notification after the words "cause to be transported cotton" the words "or kapas" shall be inserted.

[No. 1 (57) Tex.-2/50 (x)]

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATIONS.

Bombay, the 8th December 1950.

S.R.O. 1032.—In pursuance of clause 6 of the Cotton Control Order, 1950, I hereby declare that with effect from the date of the notification nothing in the permission contained in the Textile Commissioner's Notification No. S.R.O. 874 shall apply in relation to any contract for the sale or purchase of cotton grown in the Ferozepore District of the Punjab unless such cotton is sold to any one of the persons specified below :—

1. Volkart Bros.
2. The Patel Cotton Co., Ltd.

[No. 1 (57)-Tex. 2/50-CT (1)]

S.R.O. 1034.—In exercise of the powers conferred on me by clause 20 of the Cotton Control Order, 1950, I hereby direct that every cotton ginning or pressing factory in the Ferozepore District of the Punjab shall within 7 days of the date of this notification furnish to the licensing authority of the said area and to the Textile

Commissioner, Cotton Section, Sudama House, Wittet Road, Ballard Estate, Bombay No. 1, true and accurate information about the quantities and descriptions of kapas, ginned (that is, unpressed) cotton and pressed cotton respectively, held by it on the date of this notification, whether on its own account or on the account of any other person.

[No. 1 (57)-Tex. 2/50-CT (iii).]

S.R.O. 1035.—In exercise of the powers conferred on me by clause 18 of the Cotton Control Order, 1950, I hereby direct that notwithstanding anything cotained in the Textile Commissioner's Notification No. S.R.O. 597 no person shall except in accordance with the permission in writing of the Textile Commissioner, the Director (Cotton) or an Assistant Director (Cotton) in the Office of the Textile Commissioner, transport or cause to be transported kapas or cotton by rail, road, or water from any place within each of the areas described below to any place outside that area :—

1. The Ferozepore District of the Punjab,
2. The East Khandesh District of the Bombay State,
3. The West Khandesh District of the Bombay State.

[No. 1 (57)-Tex. 2/50-CT (iv)]

S.R.O. 1036.—In exercise of the powers conferred on me by clause 3 (1) of the Cotton Control Order, 1950, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 1 (57) Tex. 2/50, dated the 21st August 1950, namely :—

In the said notification in paragraph 3, sub-paragraphs (4) and (5) shall be re-numbered as sub-paragraphs (5) and (6) respectively and the following shall be inserted as sub-paragraph (4), namely :—

"Where the cotton the subject matter of the contract is loose cotton obtained by opening a full-pressed bale and does not exceed 30 lbs. in weight, the maximum prices specified in paragraphs 2 and 3 (1) and (2) above shall be increased by 12½ per cent thereof."

[No. 1 (57) Tex. 2/50-CT (v).]

S.R.O. 1037.—With reference to the proviso given at the end of paragraph 4 of the Textile Commissioner's Notification No. 1 (57) Tex. 2/50, dated 21st August 1950, I hereby appoint the persons specified below or any three of them to act as the Committee for the purpose of the certificate referred to in the said proviso :—

Shri R. G. Saraiya.
Shri Jehangir P. Patel.
Shri Gatulal Rangildas.
Shri Dwarkadas Jamnadas.
Shri Karsondas Bhagwandas.
Shri T.B. Dalal.

[No. 1 (57) Tex. 2/50—CT. (vi).]

T. P. BARAT, *Textile Commissioner.*

S. A. TECKCHANDANI,
Under Secretary to the Government of India.

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PART IV

Section 1-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

(Home Department)

No. H. B. 10404-14—Ptl. 23-50-5, dated Bangalore, 8th February 1951.

Ordered that the accompanying Notification No. III PMT (X-1)/51-N-2, dated the 16th January 1951, from the Government of India, Ministry of Rehabilitation, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

K. SRINIVASAN,
Chief Secretary to Government.

Copy of Notification No. III PMT (X-1)/51-N-2, dated 16th January 1951, from the Government of India, Ministry of Rehabilitation.

No. III/PMT (X-1)/51-N (2). In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby direct that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

In para 2 of sub-rule (iii) of rule 5, of the said Rules, for the word "two" wherever it occurs, the word "three" shall be substituted.

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NOTIFICATION.

No. L. D. 3150—Legis. 5-50-21, dated Bangalore, the 30th January 1951.

Ordered that the accompanying Constitution (Removal of Difficulties) Order No. VII (Amendment) Order (C. O. 27) published in the *Gazette of India*, Part II, Section 3, dated the 15th January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 15th January 1951.

S.R.O. 67.—The following Order made by the President is published for general information :—

C. O. 27

THE CONSTITUTION (REMOVAL OF DIFFICULTIES ORDER NO. VII (AMENDMENT) ORDER

In exercise of the powers conferred by clause (I) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. VII (Amendment) Order.

(2) It shall come into force at once.

2. In paragraph 2 of the Constitution (Removal of Difficulties) Order No. VII, for the words "period of one year," the words "period of two years,' shall be substituted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION. 244

No. L. D. 3122—Legis. 6-50-81, dated Bangalore, the 1st—6th February 1951.

Ordered that the accompanying Notification No. S. R. O. 62 and 64 dated the 15th January 1951, of the Ministry of Information and Broadcasting, under the Cinematograph Act, 1918, published in the *Gazette of India*, Part II, Section 3, dated the 15th January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF INFORMATION AND BROADCASTING.

NOTIFICATIONS.

New Delhi, the 15th January 1951.

S.R.O. 62.—In exercise of the powers conferred by sub-section (1) of section 6 of the Cinematograph Act, 1918 (II of 1918) and rule 3 of the Cinematograph, (Censorship) Rules, 1951, the Central Government hereby constitutes the Central Board of Film Censors consisting of—

Shri C. M. Agarwala	...	Chairman.
Shri C. R. Srinivasan	...	Members.
Shri Tushar Kanti Ghosh	...	
Shrimati Lilavati Munshi	...	
Shri S. K. Patil	..	
Dr. Amaranatha Jha	...	
Shri B. N. Sircar	...	

for the purpose of examining and certifying films as suitable for unrestricted public exhibition or for public exhibition restricted to adults.

(No. 35/6/50-F)

P. C. CHAUDHURI, Secy.

New Delhi, the 15th January, 1951.

S.R.O. 64.—In exercise of the powers conferred by the proviso to sub-rule (1) of rule 11 of the Cinematograph (Censorship) Rules, 1951, the Central Government hereby makes the following appointments with effect from the 15th January, 1951 :—

Shri Kuppuswami Srinivasan	...	Regional Officer of the Central Board of Film Censors at Madras
Dr. Ram Mohan Ray	...	Regional Officer of the Central Board of Film Censors at Calcutta.
Shri J. J. J. Cursetji	...	Assistant Regional Officer of the Central Board of Film Censors at Bombay.

(No. 35/3/50-F).

A. S. BHATNAGAR, Under, Secy.

250 NOTIFICATION.

No. L.D. 3123—Legis. 4-50-102, dated Bangalore, 1st—6th February 1951.

Ordered that the accompanying Notification No. S. R. O. 63, dated the 15th January 1951, of the Ministry of Information and Broadcasting, amending the Cinematograph (Censorship) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 15th January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF INFORMATION AND BROADCASTING.

NOTIFICATION.

New Delhi, the 15th January 1951.

S.R.O. 63.—In exercise of the powers conferred by sub-sections (1) and (2) of section 9 of the Cinematograph Act, 1918 (II of 1918), the Central Government hereby directs that the following amendment shall be made in the Cinematograph (Censorship) Rules, 1951 :—

For rule 14 of the said rules the following shall be substituted, namely :—

"14 *Remuneration of Chairman and allowances payable to members of the Board and the Advisory Panel.*

(1) The Chairman shall receive such salary and allowances and shall be subject to such other conditions of service as are specified in the terms of his appointment.

(2) Every member of the Board other than the Chairman and every non-official member of an Advisory Panel shall be paid such travelling allowances as the Central Government may from time to time determine."

(No 20/16/49).

P. C. CHAUDHURI, Secy

NOTIFICATION.

No. L.D. 3130—Legis. 6-50-82, Bangalore, dated 9th February 1951.

Ordered that the accompanying Notification No. S. R. O. 101, dated the 23rd January 1951 of the Ministry of Agriculture under the Sugar and Gur Control Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 23rd January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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MINISTRY OF AGRICULTURE.

NOTIFICATION.

New Delhi, the 23rd January 1951.

S.R.O. 101—In exercise of the powers conferred by clause 6 of the Sugar and Gur Control Order, 1950, the Central Government is pleased to direct:

(*i*) that the wholesale and retail price at which Bura sugar shall be sold or delivered in any area or market shall not exceed the wholesale and retail price respectively of crystal sugar produced by vacuum pan factories fixed for that area or market;

(*ii*) that the wholesale and retail price at which sugar-candy shall be sold or delivered in any area or market shall not be more than rupees five per maund above the wholesale and retail price respectively fixed for crystal sugar produced by vacuum pan factories for that area or market.

Provided that this will not apply to sugar-candy produced from palm juice or palm jaggery.

[No. SV-105(17)/50.]

N. T. MONE,
Joint Secretary.

NOTIFICATION.

No. C. 1883—C.O. 89-50-1, dated Bangalore, the 8th February 1951.

Ordered that the accompanying Notification No. S. R. O. 66, dated the 15th January 1951, of the Government of India, Ministry of Industry and Supply, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agricultural Departments.

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION.

New Delhi, the 15th January, 1951.

S. R. O. 66.—In exercise of the powers conferred by section 4 of *the Supply and Prices of Goods Act, 1950* (No. LXX of 1950), and in supersession of the notification of the Government of India in the Ministry of Industry and Supply, No. S. R. O. 503, dated 2nd September 1950, in so far as it relates to the fixation of

maximum price of *Soda Ash*, the Central Government hereby fixes the following schedule of maximum prices for certain varieties of Soda Ash :—

SCHEDULE.

Variety of Soda Ash	Maximum price in certain specified localities	Maximum price that may be charged by a distributor.	Maximum price that may be charged by a wholesale dealer.	Maximum price that may be charged by a retail dealer.
(1)	(2)	(3)	(4)	(5)
1. I. C. I. Heavy and Light Soda Ash (Imported).	Bombay.— Rs. 18-3-0 per Cwt. Ex-Godown— F. O. R. Calcutta.— Rs. 18-8-0 per Cwt. Ex-Godown— F. O. R. Madras.— Rs. 18-5-0 per Cwt. Ex-Godown— F. O. R. Gauhati.— Rs. 21-4-0 per Cwt. Ex-Godown— F. O. R.	The price specified in column 2 plus :— (a) transport charges from any of the places specified in column 2 from which such variety of Soda Ash can be moved to the destination at the lowest cost (wagon loads); and (b) handling charges not exceeding annas eight per bag of 1 Cwt.	The price specified in column 3 plus a margin not exceeding annas 8 per 1 Cwt.	The price specified in column 4 plus a margin not exceeding Rs. 1-12-0 per Cwt.
2. Magadi Soda Ash.	Bombay.— Rs. 16-9-0 per Cwt. Ex-Godown— F. O. R. Calcutta.— Rs. 16-5-0 per Cwt. Ex-Godown— F. O. R. Madras.— Rs. 16-5-0 per Cwt. Ex-Godown— F. O. R.			

Variety of Soda Ash	Minimum price in certain specified localities	Maximum price that may be charged by a distributor.	Maximum price that may be charged by a wholesale dealer.	Maximum price that may be charged by a retail dealer.
(1)	(2)	(3)	(4)	(5)
3. Tatas' Soda Ash.	Mithapur.— Rs. 16-13-0 Ex-works. Bombay.— Rs. 18-8-0 per Cwt. Ex-Godown— F. O. R. Calcutta.— Rs. 20-0-0 per Cwt. Ex-Godown— F. O. R. Madras.— Rs. 19-8-0 per Cwt. Ex-Godown— F. O. R. Cochin.— Rs. 19-8-0 per Cwt. Ex-Godown— F. O. R.	The price specified in column 2 plus :— (a) transport charges from any of the places specified in column 2 from which such variety of Soda Ash can be moved to the destination at the lowest cost (Wagon loads); and (b) handling charges not exceeding annas eight per bag of 1 Cwt.	The price specified in column 3 plus a margin not exceeding annas 8 per 1 Cwt.	The price specified in column 4 plus a margin not exceeding Rs. 1-12-0 per Cwt.
4. Indigenous Soda Ash Dhrangadhara.	Dhrangadhara.— Rs. 16-13-0 per Cwt. Ex-works.			

ORDER.

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India in London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

K. RAM,
Deputy Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H. A. 10432—Pol. 599-50-6, dated Bangalore, 8th February 1951.

In exercise of the powers conferred by Section 22 of the Mysore Arms Act, 1890 (Mysore Act VI of 1890), read with rule 3 of the Mysore Arms Rules, 1926, His Highness the Maharaja of Mysore is pleased to direct that in the Table annexed to Schedule I to the said Rules, for the entry against item 5 in the first column for the words "Members of the Mysore Legislative Council and Representative Assembly during their term" the words "Members of the State Legislative Assembly during their term" shall be substituted.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Chief Secretary to Government.

No. L. 11768—C.M. 34-50-16, dated Bangalore, the 9th February 1951.

In exercise of the powers conferred by Section 8(2) of the Mysore Amusements Tax Act, 1932, (Mysore Act VIII of 1932), His Highness the Maharaja is pleased, as a special case, to exempt from liability to the entertainments tax, the music performance by Sri Ariyakudi Ramanuja Aiyengar at Sir K. P. Puttanna Chetty Town Hall on 10th February 1951 arranged in connection with his Sixty-first Birthday.

By Order,

M. S. SWAMINATHAN,

Secretary to Government,
Local Self-Government Department.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H. A. 10432—Pol. 599-50-6, dated Bangalore, 8th February 1951.

In exercise of the powers conferred by Section 22 of the Mysore Arms Act, 1890 (Mysore Act VI of 1890), read with rule 3 of the Mysore Arms Rules, 1926, His Highness the Maharaja of Mysore is pleased to direct that in the Table annexed to Schedule I to the said Rules, for the entry against item 5 in the first column for the words "Members of the Mysore Legislative Council and Representative Assembly during their term" the words "Members of the State Legislative Assembly during their term" shall be substituted.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Chief Secretary to Government.

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By Order,

M. S. SWAMINATHAN,

Secretary to Government,
Local Self-Government Department.

No. F. L. 8612—S. T. 8-50-10, dated Bangalore, 7th February 1951.

The following draft of an amendment to the Mysore Sales-Tax Rules, 1948, which it is proposed to make in exercise of the powers conferred by Section 25 of the Mysore Sates-Tax Act 1948, (Mysore Act No. XLVI of 1948), is hereby published for the information of all persons likely to be affected thereby as required by Sub-section (4) of the said section.

Notice is hereby given that the draft will be taken into consideration after four weeks from the date of publication of this notification in the *Mysore Gazette*.

Objections or suggestions, if any, to the said draft may be sent to the Secretary to Government, Finance Department, Old Public Offices, Bangalore, through the Commissioner of Sales-Tax in Mysore, Bangalore, for consideration so as to reach him within the said date.

Draft Amendment.

In the said rules, for rule 8, the following rule shall be substituted, namely :—

"8. Every licence granted or renewed under these rules shall be liable to cancellation by the licensing authority in the event of a breach of any of the provisions of the Act, or of the rules made thereunder or of the conditions of the licence. For the year in respect of which the licence of a person is so cancelled, he shall not be eligible for the grant of a fresh licence. But the licensing authority may grant a licence for any subsequent year notwithstanding the cancellation of the licence in respect of any previous year."

By Order of His Highness the Maharaja,

No. Fl. 8655—G. F. 180-50-2, dated Bangalore, the 10th February 1951.

In exercise of the powers conferred by the Government Savings Bank Act, 1873, as in force in Mysore and all other powers enabling in this behalf, His Highness the Maharaja of Mysore is pleased to make the following amendments to the Mysore Savings Bank Rules :

1. In Rule 4 of the said Rules, after the definition of "Balance" the following definition shall be inserted, namely :—

"Comptroller" means the Accountant-General, Mysore".

2. The following para shall be added to Sub-rule (6) of Rule 53A :—

"The concession of payment of interest will not however apply to repayments desired before the expiry of six months from the date of the fixed deposit. A fee of Rupee one will be charged for each fixed deposit receipt in the case of all repayments desired before the expiry of five years".

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. L.S. 3890—L.W. 270-50-2, dated Bangalore, 7th February 1951.

In exercise of the powers conferred by clause (6) of Section 2 of the Mysore Shops and Establishments Act, 1948, (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to declare every premises including the precincts thereof wherein the process of beedi-making is carried on to be an 'establishment' for the purposes of the said Act.

By Order of His Highness the Maharaja,

No. L.S. 3895—L.W. 20-50-22, Bangalore, dated the 8th February 1951.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to exempt the staff employed in Railway Restaurants and Refreshment Rooms by Messrs. Spencer & Co., Ltd. of Madras in the Railway Station within the State of Mysore from the provisions of Section 15 of the said Act.

By Order of His Highness the Maharaja,

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No. L.S. 3897—L.W. 20-50-23, dated Bangalore, 8th February 1951.

In exercise of the powers conferred by sub-section (3) of Section 32 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to exempt all the branches of Messrs. Spencer & Co., Ltd., Madras, situate in the State of Mysore from the operation of sub-section (1) of the said Section 32 in respect of the wages of the persons employed by the said Company and working in its branches in the State of Mysore subject to the condition that the wages of such employees shall be paid before the expiry of the 10th day after the last day of the wage period in respect of which the wages are paid.

By Order of His Highness the Maharaja,

No. L. S. 3922—L.W. 99-50-4, dated Bangalore, 9th February 1951.

The time limit allowed in Notification No. L. S. 3606—L. W. 99-50-3, dated 11th January 1951 for forwarding objections or suggestions to the draft of the Rules under the Industrial Disputes (Central) Act, 1947 is extended till 1st March 1951.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

No. S. R. 6612—Ex. 29-50-13, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clause (*a*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1289—Ex. 42-48-2, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspector-General of Police in Mysore, Bangalore, as the Commissioner for the purposes of the said Act and to direct that he shall exercise all the powers of a Deputy Commissioner under the said Act and have control of administration of the provisions of the said Act in such areas.

By Order of His Highness the Maharaja,

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2. The following para shall be added to Sub-rule (6) of Rule 53A :—

"The concession of payment of interest will not however apply to repayments desired before the expiry of six months from the date of the fixed deposit. A fee of Rupee one will be charged for each fixed deposit receipt in the case of all repayments desired before the expiry of five years".

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. L.S. 3890—L.W. 270-50-2, dated Bangalore, 7th February 1951.

In exercise of the powers conferred by clause (6) of Section 2 of the Mysore Shops and Establishments Act, 1948, (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to declare every premises including the precincts thereof wherein the process of beedi-making is carried on to be an 'establishment' for the purposes of the said Act.

By Order of His Highness the Maharaja,

No. L.S. 3895—L.W. 20-50-22, Bangalore, dated the 8th February 1951.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to exempt the staff employed in Railway Restaurants and Refreshment Rooms by Messrs. Spencer & Co., Ltd. of Madras in the Railway Station within the State of Mysore from the provisions of Section 15 of the said Act.

By Order of His Highness the Maharaja,

No. L.S. 3897—L.W. 20-50-23, dated Bangalore, 8th February 1951.

In exercise of the powers conferred by sub-section (3) of Section 32 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to exempt all the branches of Messrs. Spencer & Co., Ltd., Madras, situate in the State of Mysore from the operation of sub-section (1) of the said Section 32 in respect of the wages of the persons employed by the said Company and working in its branches in the State of Mysore subject to the condition that the wages of such employees shall be paid before the expiry of the 10th day after the last day of the wage period in respect of which the wages are paid.

By Order of His Highness the Maharaja,

No. L. S. 3922—L.W. 99-50-4, dated Bangalore, 9th February 1951.

The time limit allowed in Notification No. L. S. 3606—L. W. 99-50-3, dated 11th January 1951 for forwarding objections or suggestions to the draft of the Rules under the Industrial Disputes (Central) Act, 1947 is extended till 1st March 1951.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

No. S. R. 6612—Ex. 29-50-13, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clause (*a*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1289—Ex. 42-48-2, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspector-General of Police in Mysore, Bangalore, as the Commissioner for the purposes of the said Act and to direct that he shall exercise all the powers of a Deputy Commissioner under the said Act and have control of administration of the provisions of the said Act in such areas.

By Order of His Highness the Maharaja,

No. S. R. 6619—Ex. 29-50-14, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clause (*b*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1290—Ex. 42-48-3, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint, subject to the general control of the Deputy Commissioner of the District, the following District Superintendents of Police and Assistant Superintendents of Police to exercise within their territorial jurisdiction all the powers and perform all the duties of a Deputy Commissioner under the said Act, except those under Sections 22 and 23 of the said Act.

1. District Superintendent of Police, Kolar District, Kolar.
2. District Superintendent of Police, Tumkur District, Tumkur.
3. District Superintendent of Police, Chitaldrug District, Chitaldrug.
4. District Superintendent of Police, Chikmagalur District, Chikmagalur.
5. District Superintendent of Police, Shimoga District, Shimoga.
6. Special Superintendent of Police, Kolar Gold Fields.
7. Assistant Superintendent of Police, Tiptur Sub-Division, Tiptur.
8. Assistant Superintendent of Police, Davangere Sub-Division, Davangere.
9. Assistant Superintendent of Police, Sagar Sub-Division, Sagar.

By Order of His Highness the Maharaja,

No. S.R. 6622—Ex. 29-50-15, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clauses (*d*) and (*f*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1291—Ex. 42-48-4, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspectors of Police and Sub-Inspectors of Police to be *ex-officio* Prohibition Officers and to exercise within their respective jurisdictions all the powers and to perform all the duties of a Prohibition Officer under the said Act.

By Order of His Highness the Maharaja,

No. S.R. 6625—Ex. 29-50-16, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clauses (*d*) and (*f*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notifications Nos. (1) S.R. 3502-3—Ex. 85-49-4, dated the 4th February 1950, (2) S.R. 3504-5—Ex. 85-49-3, dated the 4th February 1950, and (3) S.R. 3506-7—Ex. 85-49-5, dated the 4th February 1950, His Highness the Maharaja of Mysore is pleased to appoint the Inspector of Police and the Sub-Inspectors of Police of the Central Intelligence Bureau, to be Prohibition Officers and to exercise all the powers, except the power under Section 31 of the said Act and to perform all the duties of a Prohibition Officer under the said Act.

By Order of His Highness the Maharaja,

No. S. R. 6629—Ex. 29-50-17, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 2819—Ex. 42-48-8, dated 14th December 1948, His Highness the Maharaja of Mysore is pleased to appoint the Police Daffedars of the Police Department as Prohibition Guards within their respective jurisdictions.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government,
Revenue Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1170.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, WEDNESDAY, FEBRUARY 14, 1951.

PART IV

Section I-C

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. E.B. 682, dated Bangalore, the 14th February 1951.

Ordered that the accompanying Notification No. 104/10/51—Elec., dated the 13th February 1951, be published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

ELECTION COMMISSION, INDIA.

No. 104/10/51—Elec., dated the 13th February 1951.

NOTIFICATION.

No. 104/10/51—Elec.—In exercise of the powers conferred by the proviso to sub-rule (2) of rule 10 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, and in modification of its notification No. 104/1/51—Elec., dated the 15th January, 1951, the Election Commission hereby extends up to the 15th March, 1951, the period within which claims and objections under sub-rule (1) of the said rule are to be made under sub-rule (2) of that rule in respect of the electoral roll for any electoral unit comprised within the State of Mysore.

P. S. SUBRAMANIAN, *Secy.*

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The Mysore Gazette

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EXTRAORDINARY

BANGALORE, THURSDAY, FEBRUARY 22, 1951

NOTIFICATION.

No. L.D. 3187—L.A. 93-50-1, Bangalore, dated 22nd February 1951.

In exercise of the powers conferred by Clause (2) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby summon the State Legislative Assembly to meet at 3-30 P.M. in the Sir K. P. Puttanna Chetty Town Hall at Bangalore, on Thursday the 15th March 1951.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

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Vol. 86] BANGALORE, THURSDAY, FEBRUARY 22, 1951. [No. 8

PART IV

Section 1-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. 16747—C.B. 353-50-2, Bangalore, dated 19th February 1951.

The President's Secretariat's Notification No. 1-Pres., dated the 23rd January 1951, regarding Revised Table of Precedence is hereby republished for general information.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

OFFICE OF THE SECRETARY TO THE PRESIDENT.

NOTIFICATION.

New Delhi, the 23rd January 1951.

No. 1-Pres.—The following revised table with respect to the rank and precedence of persons named therein, which has been approved by the President, is published for general information.

This supersedes all previous notifications issued on the subject.

1. President of India.
2. Prime Minister of India.
3. Governors, Maharajpramukh of Rajasthan and Rajpramukhs within their respective charges.
4. Ex-Presidents and Ex-Governors-General of India.
5. Rulers of Indian States with a salute of 17 guns and above within their States.
6. Ambassadors accredited to India.

High Commissioners of Commonwealth Governments in India.

7. Chief Justice of India.
   Speaker of Parliament.
8. Governors, Maharajpramukh of Rajasthan and Rajpramukhs outside their respective charges.
9. Cabinet Ministers of the Union of India.
10. Rulers of Indian States with a salute of 17 guns or over outside their States.
11. Chief Ministers of Part A States in their respective States.
12. Rulers of Indian States with a salute of 15 guns or 13 guns.
13. Chief Ministers of Part B States within their respective charges.
14. Ministers Plenipotentiary and Envoys Extraordinary.
15. Ministers of State for the Union of India.
    Members of the Planning Commission.
16. Ambassadors of India.
    Visiting Ambassadors and Ministers Plenipotentiary.
    Visiting High Commissioners for India.
17. Charge d'Affairs and Acting High Commissioners *a pied* and *ad interim*.
18. Judges of the Supreme Court of India.
19. Chiefs of Staff and Commander-in-Chief, provided they hold the rank of full General or equivalent rank.
20. Chief Ministers of Part A States, outside their States.
    Deputy Ministers of the Union of India.
    Attorney-General of India.
    Comptroller and Auditor-General of India.
21. Chief Ministers of Part B States outside their charges.
22. Chief Justices of High Courts.
    Chairmen of Legislative Councils in Parts A and B States.
    Speakers of Legislative Assemblies in Parts A and B States.
23. Chiefs of Staff and Commanders-in-Chief, provided they hold the Rank of Lieutenant-General or equivalent rank.
24. Rulers of Indian States with a salute of 11 or 9 guns.
25. Ministers of Parts A and B States.
26. Chairman, Union Public Service Commission.
    Chief Election Commissioner.
27. Puisne Judges of High Courts.
28. Members of Parliament.
29. Officers of the rank of full General or equivalent rank.
    Chief Commissioner of Railways.
    *Secretaries to the Government of India and Principal Private Secretary to the Prime Minister.
    Commissioner for Scheduled Castes and Scheduled Tribes.
    Rehabilitation Adviser.
    Officiating Chiefs of Staff and Commanders-in-Chief holding the rank of Major-General or equivalent rank.
    Chief Commissioner, Delhi, within his charge.
30. Members of the Railway Board.
    Financial Commissioner of Railways.
    Ministers of Foreign and Commonwealth Missions other than Ministers Plenipotentiary.
    Officers of the rank of Lieutenant-General or equivalent rank.

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*The Officer holding the post of Secretary to the President should be graded with Secretaries to the Government of India, provided he has been Secretary to the Government of India before being appointed to the President's staff.

31. Deputy High Commissioners of Commonwealth Governments in India stationed in Delhi.
Chief Commissioners of Himachal Pradesh, Bhopal, Andaman and Nicobar Islands and Kutch within their respective charges.
Additional Secretaries to the Government of India.
President, Indian Tariff Board.
Chairman, Central Electricity Commission.
Chairman, Central Waterpower, Irrigation and Navigation Commission.
Vice-Chairman of the Indian Council of Agricultural Research.
Financial Adviser, Ministry of Finance (Defence).
Chairman, Central Board of Revenue.
P. S. Os. of Armed Forces of the rank of Major General or equivalent rank

32. Chairman, Public Service Commission of a State.
Chief Secretaries to Governments of Part A States.
Financial Commissioners.
Counsellors of Foreign Embassies and Legations.
Counsellors attached to High Commissioners.
Members of the Union Public Service Commission.
Deputy High Commissioners of Commonwealth Governments in India other than those stationed in Delhi.
Rear Admiral Commanding, Indian Naval Squadron.

33. Director-General, Health Services.
Director-General, Posts and Telegraphs.
Director, Central Bureau of Intelligence and Investigation.
General Managers of Railways.
Establishment Officer to the Government of India.
Joint Secretaries to the Government of India (including Joint Secretary to the Cabinet.)
Officers of the rank of Major-General or equivalent rank.
Surveyor-General of India.
Members of the Indian Tariff Board.
Senior Trade Commissioners and other Officers of the rank of Counsellors to High Commissioners of Commonwealth Governments in India.
Director-General of Civil Aviation in India.
Surgeons-General.
Director-General of Industry and Supply.
Members of a Board of Revenue.
Director-General of Ordnance Factories.
Indian Navy Commodores-in-charge Naval Ports or Areas.
Commander (s) of an I.A.F. Command (s) of the rank of Air Commodore.
†P.S.Os. of the Naval and Air Headquarters of Commodore and Air Commodore ranks.

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†Should a P.S.O. hold the rank of a Lieutenant-General, his seniority in the Warrant of Precedence will continue to remain the same as laid down for "Officers of the rank of Lieutenant-General or equivalent rank" in Article 30 of the Warrant of Precedence.

NOTE 1.—The order in the Warrant of Precedence is meant for State and Ceremonial occasions and may not be strictly followed on more informal occasions.

NOTE 2.—This warrant will not affect the precedence enjoyed by Rulers etc., within Indian States and Part B States by virtue of local usage and custom, nor will it affect the local precedence *inter se* of Rulers as in force immediately before 15th August 1947.

NOTE 3.—Officers in the Table of Precedence will take rank in order of the number of entries, those included in one number shall take precedence *inter se* according to the date of entry into that number.

NOTE 4.—When Members of Parliament are invited *en bloc* to major State functions, the enclosure reserved for them should be next to the Ambassadors, Chief Justice of India, Speaker of Parliament and Governors, etc.

Chief Commissioners of Delhi, Himachal Pradesh, Bhopal, Andaman and Nicobar Islands and Kutch outside their respective charges.
Chief Commissioner, Ajmer, both within and outside his charge.
Director General, All-India Radio.
Military Secretary to the President (so long as he also holds the post of Director-General of Government Hospitality Organisation).

SHAVAX A. LAL, Secy.

NOTIFICATION.

No. L.D. 3144—Legis 4-50-101, dated Bangalore, 29th January 1951.

Ordered that the following Notification No. S.R.O. 17, dated the 8th January 1951, under the Cinematograph (Second Amendment) Act 1949 and No. 18—the Cinematograph (Censorship) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 8th January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF INFORMATION AND BROADCASTING.

NOTIFICATIONS.

New Delhi, the 8th January 1951.

S.R.O. 17.—In exercise of the powers conferred by sub-section (2) of Section 1 of the Cinematograph (Second Amendment) Act, 1949 (LXII of 1949), the Central Government hereby appoints the 15th January 1951 as the date on which the said Act shall come into force.

(No. 20/16/49-F).

S.R.O. 18.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 9 of the Cinematograph Act, 1918 (II of 1918), the Central Government hereby makes the following rules:—

1. *Short title and commencement.*—(1) These rules may be called the Cinematograph (Censorship) Rules, 1951.

(2) These rules shall come into force on the 15th day of January 1951.

2. *Definitions.*—In these rules, unless the context otherwise requires,

(i) "Act" means the Cinematograph Act, 1918;
(ii) "Advisory Panel" means the Advisory Panel of the Board at Bombay, Calcutta or Madras as the case may be;
(iii) "Applicant" means a person applying for a film to be certified for public exhibition;
(iv) "Bengal film" means a film imported from abroad into, or produced in, the State of West Bengal;
(v) "Board" means the Central Board of Film Censors constituted under rule 3;
(vi) "Bombay film" means any film other than a Bengal or a Madras film;
(vii) "Chairman" means the Chairman of the Board;
(viii) "Madras film" means a film imported from abroad into, or produced in, the State of Madras;
(ix) "Regional Officer" and "Assistant Regional Officer" respectively, means the Regional or Assistant Regional Officer of the Board at Bombay, Calcutta or Madras, as the case may be;
(x) "Schedule" means the schedule to these rules.

3. *Constitution of the Board*—

(1) The Authority to be constituted under sub-section (1) of Section 6 of the Act, shall be a Board to be known as "the Central Board of Film Censors";
(2) The Board shall consist of seven members who shall be appointed by the Central Government;
(3) The Central Government shall appoint a Chairman of the Board from among its members.

4. *Term of Office*—

(1) A member of the Board, other than the Chairman, shall, subject to the provisions of sub-rule (2), hold office for a term of three years;
(2) From among the members (other than the Chairman) first appointed, two shall retire from office at the end of one year and two of the remaining four at the end of two years, the members so to retire being determined by lot;
(3) A retiring member or a member whose term of office has expired by efflux of time shall be eligible for re-appointment.

5. The Central Government may for a cause sufficient in its opinion remove any member of the Board before the expiration of the period of his office.

6. *Casual vacancy.*—A casual vacancy caused in the Board by resignation, death or removal of a member, or otherwise, shall be filled by the appointment of another member who shall hold office for the remainder of the term of the member in whose place he is appointed.

7. *Headquarters.*—Unless otherwise directed by the Central Government, the headquarters of the Board shall be at Bombay.

8. *Temporary absence of Chairman.*—Notwithstanding anything contained in these rules, during the absence of the Chairman from the City of Bombay or whenever the Chairman is temporarily unable to exercise his powers or perform his duties under these rules owing to illness or any other cause, the Central Government may appoint another person to be the Chairman:

Provided that where no such appointment is made the Regional Officer at Bombay shall in addition to his other duties exercise the powers and perform the duties of the Chairman, but he shall not be entitled to preside at meetings of the Board.

9. *Constitution of Advisory Panels.*—

(1) The Board shall, with the previous approval of the Central Government constitute an Advisory Panel at each of the towns of Bombay, Calcutta and Madras.

(2) Each such Advisory Panel shall consist of such number of members as the Board may, with the previous approval of the Central Government, from time to time, determine.

10. *Term of office of Members of Advisory Panels.*—A member of an Advisory Panel shall hold office for one year from the date of his appointment:

Provided that the Board may for a cause sufficient in its opinion remove from office with the previous approval of the Central Government any such member before the expiration of the said period of one year.

11. *Regional Officer.*—

(1) The Board shall, with the previous approval of the Central Government, appoint a Regional Officer at each of the towns of Bombay, Calcutta and Madras, and may subject to like approval appoint an Assistant Regional Officer at all or any of these towns. Provided that the first appointments of Regional and Assistant Regional Officers shall be made by the Central Government.

(2) A Regional Officer and an Assistant Regional Officer shall receive such remuneration and shall be subject to such other conditions of service as the Board may, with the previous approval of the Central Government, from time to time, determine.

(3) A Regional Officer and an Assistant Regional Officer shall perform such duties as may be assigned to them by the Board or the Chairman.

12. *Duties of the Board.*—The Board shall, in addition to other duties prescribed under these rules :—

(i) submit an annual report to the Central Government reviewing the work done by the Board during the preceding financial year;

(ii) prescribe the manner in which the registers, records and accounts of the Board shall be kept;

(iii) review the work of, and issue directives to, Regional Officers and members of the Advisory Panels regarding the principles to be observed in determining whether a film is or is not suitable for public exhibition;

(iv) have its accounts audited annually, and submit duly to the Central Government the report of the auditors and take such action as may be required by Government to be taken on the report.

13. *Staff of the Board.*—

(1) The Chairman shall, with the previous approval of the Central Government, appoint such officers and servants to the Board as he deems fit.

(2) The officers and servants of the Board appointed under sub-rule (1) shall receive such salaries and allowances and shall be subject to such conditions of service as the Chairman, with the previous approval of the Central Government, may from time to time, determine.

(3) The Chairman may suspend, remove or grant leave to any officer or servant of the Board appointed under this rule.

14. *Remuneration of the Chairman, and members of the Board and the Advisory Panel.*—

(1) The Chairman shall receive such salary and allowances and shall be subject to such other conditions of service as are specified in the terms of his appointment.

(2) Every member of the Board other than the Chairman shall be paid such travelling and other allowances as the Central Government may, from time to time, determine.

(3) Every non-official member of the Board or an Advisory Panel deputed to examine or re-examine a 35 mm. film shall be paid a fee at the rate of Re. 1 per 1,000 feet or a fraction of 1,000 feet of the film examined or re-examined, subject to a minimum of Rs. 5 and a maximum of Rs. 10.

(4) Every such member deputed to examine or re-examine a 16 mm. film shall be paid a fee at the rate of Re. 1 for 400 feet or a fraction of 400 feet examined or re-examined subject to a minimum of Rs. 5 and a maximum of Rs. 10.

15. *Meeting of the Board.*—

(1) The Board shall ordinarily meet once a quarter for the transaction of business, but the Chairman may at any time call an extraordinary meeting if he considers it necessary to do so.

(2) Meetings of the Board shall ordinarily be held at Bombay but the Chairman may in his discretion call a meeting at Calcutta or Madras.

16. *Co-opted Members.*—The Chairman may co-opt any one or more of the Regional Officers as a member or as members of the Board for the purpose of attending a particular meeting of the Board, and such officer or officers shall then be entitled to participate in the deliberations of the Board at that meeting but shall not be entitled to vote.

17. *Notice of Meeting.*—

(1) At least 7 clear days' notice of all meetings of the Board shall be given to each member, but an urgent meeting may be called by the Chairman at 3 clear days' notice.

(2) The notice shall state the business to be transacted at the meeting and no business other than that stated shall be transacted at such meeting except with the consent of the Chairman or on his motion.

18. *Business ordinarily to be transacted at meetings.*—The business of the Board shall ordinarily be transacted at a meeting duly called in accordance with the provisions of these rules:

Provided that the Chairman may, if he thinks fit, circulate any urgent matter among the members for their opinion.

19. *Quorum.*—At every meeting of the Board 3 members if the Chairman be present, and 5 members if he be absent, shall form a quorum.

20. *President of the Meeting.*—Meetings of the Board shall be presided over by the Chairman or, in his absence by a member elected by the members present from among themselves.

21. *Question to be decided by majority of votes.*—Every question before the Board shall be decided by a majority of votes. In the case of equality of votes, the Chairman or the member elected to preside under rule 20, as the case may be, shall have a second or casting vote.

22. *Examination of Films.*—

(1) Every application to certify a film for public exhibition shall be made in writing by the importer or producer of the film or an agent acting on behalf of the importer or producer in Form I set out in the schedule.

(2) The application shall be addressed to the Board and delivered to the Regional Officer at Bombay, Calcutta or Madras according as the film is a Bombay, Bengal or Madras film :

Provided that the Chairman may, in his discretion, permit applications in respect of any Bombay film or Bombay films to be delivered to the Regional Officer at Madras or Calcutta.

(3) Every such application shall be accompanied by—

(*a*) the fee prescribed under rule 32, and

(*b*) four typed or printed copies of the synopsis of the film and of the full text of all songs if any.

23. *Extra copies of films before certification.*—Where, after an application under rule 22 has been made, any other copy or copies of the film in respect of which the application is made, are imported or printed, the applicant shall make a report in Form II of the Schedule to the appropriate Regional Officer stating the number of copies so imported or printed.

24. *Examining Committee.*—

(1) On receipt of an application under rule 22, the Regional Officer shall appoint an Examining Committee to examine the film. The examination shall be made at such place and at such time as the Regional Officer may determine and at the expense of the applicant.

(2) The Examining Committee shall consist of at least two members of the Advisory Panel and the Regional Officer or the Assistant Regional Officer. If the Regional Officer or the Assistant Regional Officer is unavoidably unable to attend the examination of the film there shall be at least three members of the Advisory Panel on the Committee.

(3) Immediately after the examination of the film, the opinion of the members of the Examining Committee attending the examination shall be recorded in duplicate by the Regional Officer or Assistant Regional Officer, or in the absence of both, by a member of the Committee appointed by the Regional Officer for this purpose, stating, with regard to each member, whether he considers:

(*a*) that the film is or is not suitable for unrestricted public exhibition ; or

(*b*) that the film is or is not suitable for public exhibition restricted to adults ; or

(*c*) that the film will be suitable for unrestricted public exhibition, or public exhibition restricted to adults, as the case may be, if a specified portion or specified portions be deleted therefrom.

(4) One copy of the record prepared under sub-rule (3) shall be sent by the Regional Officer to the Chairman forthwith.

25. *Certification.*—On receipt of the record referred to in the preceding rule the Chairman shall, unless he proceeds under sub-rule (1) of rule 26, authorise the Regional Officer concerned to certify the film on behalf of the Board as being suitable

for unrestricted public exhibition or for public exhibition restricted to adults only, as the case may be:

Provided that the Chairman may, with the previous approval of the Central Government, authorise any Regional Officer to certify, without obtaining his previous approval, any class or kind of film after the Examining Committee have examined and recommended such certification.

26. *Revising Committee.*—

(1) On receipt of the record referred to in rule 24, the Chairman may, of his own motion or on the request of the applicant, refer it to a Revising Committee constituted by him for the purpose.

(2) The Revising Committee shall ordinarily consist of the Chairman, one other member of the Board, a Regional Officer and at least two members of the Advisory Panel.

(3) The Chairman, if present, shall preside at every meeting of the Revising Committee. If he be unable to attend, the member of the Board present shall preside. If both the Chairman and the member of the Board are unable to be present the Regional Officer shall preside.

(4) If the Chairman is absent, the number of members of the Advisory Panel sitting on the Revising Committee shall ordinarily be three; if both the Chairman and the member of the Board are absent, the number shall be four.

(5) No member of the Advisory Panel who has been a member of the Examining Committee for any film shall be a member of the Revising Committee in respect of the same film.

(6) The Revising Committee shall examine the film at such time and at such place as the Chairman may determine and, if the examination be at the request of the applicant, at the latter's expense.

(7) Immediately after the examination of the film by the Revising Committee, the opinion of the members attending the examination shall be recorded in duplicate stating with regard to each member the particulars specified in sub-rule (3) of rule 24.

(8) One copy of the record prepared under sub-rule (7) shall be sent to the Chairman forthwith.

(9) The decision of the Revising Committee shall be that of the majority of those attending the examination of the film. In the event of an equality of votes, the presiding officer shall have a second or casting vote.

(10) On receipt of the record under sub-rule (8) the Chairman shall issue a certificate in respect of the film in conformity with the recommendations of the Revising Committee.

27. *Issue of certificate subject to removal of portions of film.*—

(1) When the applicant is informed by a Regional Officer or the Chairman that a film will not be certified for unrestricted public exhibition or for public exhibition restricted to adults, as the case may be, unless a specified portion or specified portions thereof be removed therefrom, the Regional Officer, with the approval of the Chairman, may issue a certificate certifying the film for unrestricted public exhibition or for public exhibition restricted to adults, as the case may be, if he is satisfied that the portion or portions thereof objected to have been deleted from the film and from all copies thereof in the applicant's possession. For the purpose of satisfying himself that the portion or portions objected to have been deleted the Regional Officer or Chairman may, at the expense

of the applicant, himself examine the film, or cause it to be examined by one or more members of the Advisory Panel at such time and such place as he may determine.

(2) A certificate issued under sub-rule (1) shall be endorsed with a specification of the portion or portions required to be removed, and a statement of the exact length of each part or parts removed, and shall bear a clearly visible triangle drawn at the left hand bottom corner of the certificate:

Provided that nothing contained in this rule shall debar the Chairman from issuing a clear certificate, after the portions objected to have been removed, if the applicant makes a fresh application to have the film certified for public exhibition.

28. *Re-examination of certified films.*—

(1) In the case of a film which has been certified for public exhibition, if a representation is received from any member of the Board or any of its Advisory Panels, the representation shall be considered by the Board as soon as convenient. Any representation received from a member of the public or from any association or group of individuals shall be examined by the Chairman and, if he considers it desirable, shall be laid before the Board for consideration.

(2) If the Board considers that the film should be re-examined the Chairman shall appoint a Committee of the Board to re-examine the film, consisting of the Chairman and two members.

(3) The place, date and time of such re-examination shall be determined by the Chairman.

(4) The Chairman shall forward the opinion of the Committee to the Central Government who may pass such orders thereon as it deems fit.

29. *Alteration of film after issue of certificate.*—

When a film is altered by excision, addition or otherwise, after it has been certified under these rules, it shall not be exhibited unless it has been re-examined and a fresh certificate obtained in accordance with these rules.

30. *Extra copies of films after certification*—

Where, after a film has been certified for public exhibition, any other copy or copies of it is or are imported or printed, the applicant shall make a report in Form V of the Schedule to the appropriate Regional Officer.

31. *Certificates*—

(1) A certificate authorising the public exhibition of a film shall be in one of the forms III or IV set out in the Schedule according as the authorization is for unrestricted public exhibition or for public exhibition to adults only.

(2) The certificate shall be signed for and on behalf of the Board by the Chairman or by a Regional Officer for the Chairman.

(3) The prescribed mark of the Board shall be a film copy of the certificate, *i.e.*, a trailer certificate, not less than 15 ft. long, which shall be affixed to the film and always exhibited with it.

(4) A certificate of a film predominantly educational shall be in form VI,

32. *Fees*—

(1) A fee shall be charged for the examination of every film at the rates laid down in the following table:—

TABLE OF FEES

Size of film	Length of film	Scale of fees
35 millimetre	(*a*) 2,000 feet or below	Rs. 5 per 1,000 feet or a fraction thereof.
	(*b*) Exceeding 2,000 feet	Rs. 40 per 1,000 feet or a fraction thereof.
16 millimetre	(*a*) 800 feet or below	Rs. 5 per 400 feet or a fraction thereof.
	(*b*) Exceeding 800 feet	Rs. 40 per 400 feet or a fraction thereof.

(2) Where the dialogue, songs or commentary of a film is in a language other than the appropriate language specified in clause (i) of Form I to the Schedule, a translation fee—

(*a*) in the case of a 35 millimetre film, at the rate of rupee one per 1,000 feet or fraction thereof; and

(*b*) in the case of a 16 millimetre film, at the rate of rupee one per 400 feet or fraction thereof;

shall, subject to a maximum fee of rupees ten and a minimum fee of rupees five, be charged in addition to the fee specified in sub-rule (1).

(3) The Board may remit the fee for examination of a film in the event of the application for a certificate being withdrawn before the film is examined.

33. *Power of entry.*—The Chairman or any member of the Board or an Advisory Panel or a Regional or an Assistant Regional Officer may enter any place licensed under the Act for the purpose of satisfying himself that the provisions of these rules are being carried out.

34. *Maintenance of Register.*—

(1) The Board shall maintain a register in which shall be entered—

(*a*) the name of every film examined under the Act;
(*b*) the name of the person applying for a certificate;
(*c*) the name of the person or company producing or releasing the film;
(*d*) the name of the country in which the film was originally produced;
(*e*) the name of the place where the film was examined;
(*f*) the date of the examination;
(*g*) the names of the persons who examined the film;
(*h*) the result of the examination and of any further proceedings thereon;
(*i*) the number and date of the certificate issued, if any, together with a copy of any endorsement made thereon.

(2) For the purpose of enabling the Board to maintain such a register, the Regional Officers at Bombay, Calcutta and Madras shall each maintain similar registers in respect of applications for certification made to them and send to the Board a duplicate copy of every entry made in it, as soon as may be, after it has been made.

(3) A copy of the entries in the register maintained by the Board made during any month shall be sent to the Regional Officers at Bombay, Calcutta and Madras during the next following month.

35. Any rules made under the Act by a State Government shall, so far as they relate to the sanctioning of cinematograph films for exhibition, stand repealed :

Provided that :—

(a) any certificate granted, order made or action taken by any authority under the rules so repealed shall be deemed to have been granted, made or taken by the corresponding authority under these rules ;

(b) any proceedings pending immediately before the commencement of these rules before any such authority shall stand transferred to the corresponding authority under these rules and shall be disposed of by that authority in accordance with the provisions of these rules.

SCHEDULE

FORM I

Form of application for certification of a film for public exhibition.

[*See* sub-rule (1) of rule 22]

To

The Central Board of Film Censors, through the
Regional Officer at *Calcutta/*Madras/*Bombay.

Application to certify for public exhibition a film:

*(i) imported into India at.....

*(ii) produced in India at.....

(a) Length of the film :

(b) Number of reels ;

(c) *Nature of the film, *i.e.*,

(i) Newsreel,

(ii) Documentary,

(iii) Scientific,

(iv) Educational,

(v) Feature.

(d) Name of the film :

(e) Number of copies—

(i) imported,

(ii) manufactured,

(iii) in the possession of the applicant.

(f) Name of the producer :

(g) Country in which produced :

(h) Has any previous application been made in India to certify this film for public exhibition ?

If so :

(i) where, and to whom was it made ?

(ii) what was the result of the application ?

(i) Does it contain dialogues, songs, poems or speeches—

(i) in the case of any imported film, in any language other than English.

(ii) in the case of a film produced in West Bengal, in any language other than Bengali, Hindi, Hindustani or Urdu ?

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*Score out the word or words which are not applicable.

(iii) in the case of a film produced in Madras, in any language other than Tamil, Telugu, Kannada, Hindi, Hindustani or Urdu?

(iv) in the case of a film produced in any other part of India, in any language other than Hindi, Hindustani, Urdu, Kannada, Gujarati or Marathi?†

(j) Amount of fee accompanying the application on account of—

(i) the fee prescribed under sub-rule (1) of rule 32,

(ii) the fee prescribed under sub-rule (2) of rule 32.†

I declare that the film is predominantly an educational film and request that a certificate be issued to that effect to enable the applicant to obtain exemption from customs duty.

Name of the applicant.

I declare that the statements above recorded are true in every particular.

Date: Signature of applicant.

FORM II

(*See* rule 23)

(To be submitted in duplicate)

Report under rule 23 of the Cinematograph (Censorship) Rules, 1951, regarding the importation/printing of extra copies of a film *before* certification.

Name of applicant:

Name of film:

Name of Producer:

Length of film:

Date of application for certification:

Number of copies imported/printed after the date of the application for certification.

To

The Regional Officer, Central Board of Film Censors, at Bombay/Calcutta/Madras.

I declare that the accompanying report is true in every respect and that the copies in respect of which this report is made are exact copies of the film therein referred to, and that no excisions, additions or alterations whatsoever have been made therein.

‡I further declare that the film is an Educational Film and request that the copies now imported be certified as such to enable the applicant to obtain exemption from customs duty.

Date. Signature of applicant.

‡Certificate of the Central Board of Film Censors.

I..... Regional Officer, Central Board of Film Censors, at Calcutta/Bombay/Madras hereby certify that the film referred to in this report has been passed as a predominantly Educational Film.

Signature of Regional Officer.

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†*Note*:—If the answer to any part of query (i) is in the affirmative, the application shall, in addition to the fee prescribed by sub-rule (1) of rule 32, be accompanied by the translation fee specified in sub-rule (2) of rule 32.

‡Score out if not applicable.

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FORM III.

[*See* Sub-rule (1) of Rule 31.]

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CENSORS.

This is to CERTIFY that the film entitled.....has been passed for UNRESTRICTED public exhibition within the territories of India to which the Cinematograph Act, 1918 extends.

APPLICANT.....
PRODUCED BY.....
LENGTH OF THE FILM.....ft.
NO. OF CERTIFICATE.....

U

Dated,....., the..... 195—.

Chairman,
CENTRAL BOARD OF FILM CENSORS

FORM IV.

[*See* Sub-rule (1) of Rule 31.]

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CENSORS.

This is to CERTIFY that the film entitled.....has been passed for public exhibition restricted to ADULTS within the territories of India to which the Cinematograph Act, 1918 extends.

APPLICANT.....
PRODUCED BY.....
LENGTH OF THE FILM.... ft.
NO. OF CERTIFICATE.....

A

Dated,....., the..... 195 .

Chairman,
CENTRAL BOARD OF FILM CENSORS.

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279 FORM V.

(*See* Rule 30.)

(*To be submitted in duplicate.*)

Report under Rule 30 of the Cinematograph (Censorship) Rules 1951, regarding the importation/printing of extra copies of film *after* certification.

NAME OF APPLICANT.....

NAME OF FILM.....

NUMBER & DATE OF CERTIFICATE ISSUED.....

LENGTH OF FILM.....ft.

Number of copies imported/printed after the issue of the Certificate.

(*a*) before the present Report.....

(*b*) now.....

Signature of applicant

and date of application.

To

The Central Board of Film Censors through the

Regional Officer, at Bombay/Calcutta/Madras.

I declare that the accompanying report is true in every respect and that the copies in respect of which this report is made are exact copies of the film as certified for public exhibition by the Board and that no excisions, additions or alterations whatsoever have been made therein.

*I further declare that the film is a predominantly Educational Film and, as such, was exempted from the payment of customs duty when imported.

Date :

Signature of applicant.

**Certificate of the Central Board of Film Censors.*

I....., Regional Officer, Central Board of Film Censors, at Calcutta/Bombay/Madras hereby certify that the film referred to in this report has been passed as a predominantly Educational Film.

Date : *Signature of Regional Officer.*

*Score through if inapplicable.

FORM VI.

Certificate of a film being predominantly Educational.

[*See* Sub-rule (4) of Rule 31.]

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CENSORS.

Certificate No..... of 19 .

This is to certify that the parcel containing the following films was delivered to Shri.....Regional Officer/Secretary, Central Board of Film Censors at Bombay/Calcutta/Madras who examined the seals and identified that films according to the particulars verified at the time of the customs examination, and that the Board is satisfied that the films are of a predominantly educational nature and comply with the requirements for exemption from Customs Duty.

	Name of Film.	Name of Producer.	Length of Film.
1.			
2.			
3.			

Name of Importer

Date :

Signature of Regional Officer.

(No. 20/16/49-F).

C. B. RAO, Dy. Secy.

NOTIFICATION.

No. L.D. 3133—Legis. 4-50-103, dated Bangalore, 12th February 1951.

Ordered that the following Notification No. S.R.O. 123, dated the 16th January 1951 of the Ministry of Rehabilitation amending the Permit System Rules, 1949 published in the *Gazette of India*, Part II, Section 3, dated the 27th January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF REHABILITATION.

New Delhi, the 16th January 1951.

S.R.O. 123.—In exercise of the powers conferred by Section 4 of the Influx rom Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby lirects that the following further amendment shall be made in the Permit System Rules, 1949, namely:—

In para 2 of sub-rule (iii) of rule 5, of the said Rules, for the word "two" vherever it occurs, the word "three" shall be substituted.

[No. III/PMT (X-1)/51-N(2).]

M. L. PURI, Under Secy.

NOTIFICATION.

No. L. D. 3134—Legis. 4-50-104, dated Bangalore, 12th February 1951.

Ordered that the following Notification No. S.R.O. 102, ated the 19th January 1951 of the Ministry of Law amending the Representation of the People (Preparation of Electroal Rolls) Rules, 950, published in the *Gazette of India*, Part II, Section 3, dated he 27th January 1951, be republished in the *Mysore Gazette*, for eneral information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

New Delhi, the 19th January, 1951.

S.R.O. 102.—In exercise of the powers conferred by Section 28 of the Repre- ntation of the People Act, 1950 (XLIII of 1950), the Central Government, after nsulting the Election Commission, hereby makes the following further amend- ents in the Representation of the People (Preparation of Electoral Rolls) Rules, 950, namely :—

1. In rule 2A, for the word and figures "9, 10 and 11" the word and figures "7, 9, 10, 11 and 16" shall be substituted.
2. In sub-rule (1) of rule 14, for the words, brackets and figures "authorised by him under sub-rule (1) of rule 11" the words "presenting the claim or objection" shall be substituted.

[No. F. 10/51-C.]

K. V. K. SUNDARAM, Secy.

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NOTIFICATION

No. L.D. 3145—Legis. 4-50-100, dated Bangalore, 29th January 1951.

Ordered that the following Notification No. S.R.O. 14, dated the 27th December 1950, of the Ministry of Communications amending the Indian Telegraph Rules, 1932, published in the *Gazette of India*, Part II, Section 3, dated the 6th January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 27th December 1950.

S.R.O. 14.—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Telegraph Rules 1932, namely :—

In rule 11 of the said Rules, for the word "Director-General", the word "Postmaster-General" shall be substituted.

[No. T-174/50.]

K. V. VENKATACHALAM, Dy. Secy

NOTIFICATION.

No. L.D. 3146—Legis. 4-50-99, dated Bangalore, 29th January 1951.

Ordered that the following Notification No. S.R.O. 1, dated the 30th December 1950 of the Ministry of Home Affairs amending the Indian Arms Rules, 1924, published in the *Gazette of India* Part II, Section 3, dated the 6th January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Departmen

283 **MINISTRY OF HOME AFFAIRS.**

New Delhi, the 30th December 1950.

S.R.O. 1.—In exercise of the powers conferred by Sections 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby directs that the following further amendments shall be made in the Indian Arms Rules, 1924, namely :—

In the said Rules—

A. In rule 33—

(i) Clause (aa) of sub-rule (1) shall be omitted.

(ii) In Clause (b) of sub-rule 2 the words "or the Chief Commissioner" shall be omitted.

B. In Schedule VI—

item (iii) of entry 11 shall be omitted.

C. In Schedule VIII—

in Forms XVI and XVI-A the words "Chief Commissioner" shall be omitted

[No. 9/24/50-Police (I).]

NOTIFICATION.

No. L.D. 3147—Legis. 6-50-78, dated Bangalore, 29th January 1951.

Ordered that the following Notification No. S.R.O. 11, dated the 30th December 1950, of the Ministry of Industry and Supply under the Supply and Prices of Goods Act, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 6th January 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF INDUSTRY AND SUPPLY.

New Delhi, the 30th December 1950.

S.R.O. 11.—In exercise of the powers conferred by sub-section (1) of Section 16 of the Supply and Prices of Goods Act, 1950 (XX of 1950), the Central Government is pleased to authorise the Assistant Controller of Civil Supplies (General), the Assistant Controller of Civil Supplies (Textiles), the Enforcement Officer, Bangalore Division and the Enforcement Officer, Mysore Division, to exercise within their respective jurisdictions in the State of Mysore the powers conferred by the said sub-section.

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ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2(14)/50.]

K. RAM, Dy. Secy

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PART IV

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Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. M. 22050—G.M. 51-50-11, dated Bangalore, 15th February 1951.

Whereas by the Notification of the Government of India in the Foreign Department, No. 176 of 31st December 1875, the Indian Christian Marriage Act, 1872, was with certain modifications, declared to be in force througout the territories of Mysore.

In exercise of the powers conferred by Sections 6 and 9 of the said Act, Pastor E. L. Sorensen, Bangalore, Seventh-day Adventist Church, residing at 9, Cunningham Road, Bangalore, is hereby authorised to solemnise marriages within the State of Mysore, and to grant certificates of marriages within the territories between Indian-Christians.

The powers hereby conferred are to be exercised only so far as marriages between persons one of whom is an Indian-Christian citizen of India, domiciled in the State of Mysore and neither of whom is a citizen of India or a Commonwealth citizen as defined by Section 1 of the British Nationality Act of 1948, not domiciled in the State of Mysore.

By Order of His Highness the Maharaja,

No. M. 22061—G.M. 51-50-12, dated Bangalore, 15th February 1951.

Whereas by the Notification by the Government of India in the Foreign Department, No. 176 dated 31st December 1875, the Indian-Christian Marriage Act, 1872, was with certain modifications declared to be in force throughout the territories of Mysore.

In exercise of the powers conferred by Sections 6 and 9 of the said Act, Rev. B. H. Jackayya, a Minister of the Missouri Lutheren Mission, residing at 11, Spencer Road,

Cleveland Town, Bangalore, and in charge of the Hope Lutheren Church and Cleveland Church, is hereby authorised to solemnise marriages within the State of Mysore, and to grant Certificates of Marriage within the said territories between Indian-Christians.

The powers hereby conferred are to be exercised only so far as marriages between persons one of whom is an Indian-Christain citizen of India, domiciled in the State of Mysore, and neither of whom is a citizen of India or a Commonwealth citizen as defined in Section 1 of the British Nationality Act, 1948, not domiciled in the State of Mysore.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,

Secretary to Government,
Local Self-Government Department.

No. Fl. 8683—S. T. 42-50-2, dated Bangalore, 13th February 1951.

In exercise of the powers conferred by Section 3-A of the Motor Spirit (Taxation on Sales) Act, 1949, (Mysore Act No. XLIX of 1949) and in supersession of Notification No. Fl. 2830—S. T. 1-49-20, dated the 30th June 1950, His Highness the Maharaja of Mysore is pleased to exempt from the payment of the tax leviable under the said Act in respect of the sale of aviation petrol required for civil aviation.

2. This notification shall come into force on the first day of April 1951.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. W. 2364, dated Bangalore, the 14th February 1951.

In exercise of the powers conferred by clause (*bb*) of sub-rule (2) of Rule 81 of the Defence of India Rules, as applied to Mysore, and continued by the Supplies, Services

and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Mysore House Rent and Accommodation Control Order, 1948, and to direct with reference to sub-rule (1) of Rule 119 of the said Rules that notice of this amendment shall be given to the public by the publication of the same in the *Mysore Gazette.*

1. In the schedule appended to the said Order, after item " No. 13, Saklespur Town ", the following item shall be added, namely, " 14. Bhadravati Town (Old)."

By Order of His Highness the Maharaja,

No. L.S. 4005—L.W. 20-50-24, dated Bangalore, 16th February 1951.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948, (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to exempt offices of Air Service Companies operating in the State from all the provisions of the said Act.

By Order of His Highness the Maharaja,

No. L. S. 4011—L.W. 20-50-27, dated Bangalore, 16th February 1951.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act No. II of 1948), His Highness the Maharaja of Mysore is hereby pleased to exempt the following establishments from the provisions of Section 11 (1) of the said Act :—

All shops dealing in vegetables, meat, fish, dairy products, bread or flowers in so far as the sale of these articles is concerned.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

No. L.S. 4007—L.W. 20-50-26, dated Bangalore, 16th February 1951.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to exempt all the establishments run by the India Coffee Board in the State of Mysore from all the provisions of the said Act.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

No. S. R. 6612—Ex. 29-50-13, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clause (*a*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1289—Ex. 42-48-2, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspector-General of Police in Mysore, Bangalore, as the Commissioner for the purposes of the said Act and to direct that he shall exercise all the powers of a Deputy Commissioner under the said Act and have control of administration of the provisions of the said Act in such areas.

By Order of His Highness the Maharaja,

No. S. R. 6619—Ex. 29-50-14, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clause (*b*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1290—Ex. 42-48-3, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint, subject to the general control of the Deputy Commissioner of the District, the following District Superintendents of Police and Assistant Superintendents of Police to exercise within their territorial jurisdiction all the powers and perform all the duties of a Deputy

Commissioner under the said Act, except those under Sections 22 and 23 of the said Act.

1. District Superintendent of Police, Kolar District, Kolar.

2. District Superintendent of Police, Tumkur District, Tumkur.

3. District Superintendent of Police, Chitaldrug District, Chitaldrug.

4. District Superintendent of Police, Chikmagalur District, Chikmagalur.

5. District Superintendent of Police, Shimoga District, Shimoga.

6. Special Superintendent of Police, Kolar Gold Fields.

7. Assistant Superintendent of Police, Tiptur Sub-Division, Tiptur.

8. Assistant Superintendent of Police, Davangere Sub-Division, Davangere.

9. Assistant Superintendent of Police, Sagar Sub-Division, Sagar.

By Order of His Highness the Maharaja,

No. S.R. 6622—Ex. 29-50-15, Bangalore, dated 20th January 1951

In exercise of the powers conferred by Clauses (*d*) and (*f*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 1291—Ex. 42-48-4, dated the 2nd September 1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspectors of Police and Sub-Inspectors of Police to be *ex-officio* Prohibition Officers and to exercise within their respective jurisdictions all the powers and to perform all the duties of a Prohibition Officer under the said Act.

By Order of His Highness the Maharaja,

No. S.R. 6625—Ex. 29-50-16, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Clauses (*d*) and (*f*) of Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notifications Nos. (1) S.R. 3502-3—Ex. 85-49-4, dated the 4th February 1950, (2) S.R. 3504-5—Ex. 85-49-3, dated the 4th February 1950, and (3) S.R. 3506-7—Ex. 85-49-5;

dated the 4th February 1950, His Highness the Maharaja of Mysore is pleased to appoint the Inspector of Police and the Sub-Inspectors of Police of the Central Intelligence Bureau, to be Prohibition Officers and to exercise all the powers, except the power under Section 31 of the said Act and to perform all the duties of a Prohibition Officer under the said Act.

By Order of His Highness the Maharaja,

No. S. R. 6629—Ex. 29-50-17, Bangalore, dated 20th January 1951.

In exercise of the powers conferred by Section 28 of the Mysore Prohibition Act, 1948 (Mysore Act No. XXXVII of 1948), and in supersession of Notification No. S. R. 2819—Ex. 42-48-8, dated 14th December 1948, His Highness the Maharaja of Mysore is pleased to appoint the Police Daffedars of the Police Department as Prohibition Guards within their respective jurisdictions.

By Order of His Highness the Maharaja,

No. S.R. 7140—St. 22-50-2, dated Bangalore, 15th February 1951.

In exercise of the powers conferred by Section 9 of the Mysore Stamp Act (Mysore Act II of 1900), His Highness the Maharaja of Mysore is pleased to reduce by fifty per cent the Stamp duty chargeable on the sale deed in respect of the sale of the building, "Ratan Vilas", situated in Palace Road, Bangalore, to be executed by the Secretary to the State Government, Education Department on behalf of the Rajpramukh of Mysore, in favour of the authorities of the Mount Carmel College, No. 21, Palace Road, Bangalore.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government,

Revenue Department.

No S.D. 7501—R. 51-50-25, dated Bangalore, the 10th February 1951.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) read with the Government of India, Ministry of Food, Notification No. S.R.O. 703, dated the 4th October 1950 and with the concurrence of the Government of India, His Highness the Maharaja of Mysore is pleased to revise the scale and composition of rations to the several classes of consumers in the State as shown below, with effect from the 12th of February 1951:—

SCALE OF RATIONS PER HEAD PER DAY.

Class	Rice	Wheat	Millets	Total
	Ozs.	Ozs.	Ozs.	Ozs.
1. "A" Class ...	5·5	3·5	...	9·0
2. "B" Class (Labour Class)	2·4	1·0	6·6	10·0
3. Heavy Manual Labour ...	2·4	1·0	9·6	13·0
4. Plantation Labour ...	5·5	1·0	2·5	9·0
5. Staple wheat-eaters ...	...	9·0	...	9·0

(Children below eight years of age will be allowed half the above scale of rations).

2. Prisoners in Jails and inmates of the Beggar Colony who are engaged on hard labour, Trainees in the Police Training Schools, the Special Armed Reserve and Provincial Armed Reserve Police on active duty, will be given foodgrain rations as per scale fixed for the Heavy Manual Labour.

3. The non-labouring prisoners in the Jails and the inmates of the Deaf and Blind Boys' Hostel and the In-patients in Hospitals will be given foodgrain rations according as they are "A" or "B" Class Card-holders, the overall ration being limited to 9 or 10 ozs. as the case may be.

4. This revision is purely temporary.

By Order of His Highness the Maharaja,

No. S.D. 7533—C. 127-50-8, dated Bangalore, the 10th February 1951.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (Central Act XXIV of 1946) read with the Government of India, Ministry of Food, Notification No. S.R.O. 703, dated 4th October 1950, and subject to concurrence of the Government of India, His Highness the Maharaja of Mysore is pleased to revise and fix the following sale prices of foodgrains in the Mysore State with effect from 12th February 1951:—

		By measure.
Rice I quality	...	2 seers per rupee
Rice II quality	...	2 3/8 seers per rupee
Wheat	...	Re. 0–6–8 per seer
Milo and millets	...	4½ seers per rupee
Ragi	...	4½ seers per rupee

2. This order is in supersession of the previous orders, *viz.*, Government Order No. S.D. 4214-16—C. 39-47-41, dated 6th December 1947, and Notification No. S.D. 2931—C. 74-49-17, dated 29th July 1950 issued on the subject.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

No. L.S. 3976—L.W. 275-50-1, Bangalore, dated the 13th February 1951.

The draft of the following rules under the Minimum Wages Act (Act No. XXIX of 1949) which it is proposed to make in exercise of the powers conferred by Section 28 of the said Act is hereby published for information of all persons likely to be affected thereby as required by the said Section.

Objections or suggestions if any, to the Draft Rules, may be forwarded to the Secretary to Government, Law Department, Old Public Offices, Bangalore, through the Commissioner of Labour in Mysore for consideration, so as to reach him before 13th March 1951.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

REVISED DRAFT RULES UNDER THE MYSORE MINIMUM WAGES ACT, 1949.

1. *Short title and extent.*—(1) These Rules may be called the Mysore Minimum Wages Rules, 1951.

(2) These Rules shall come into force from the 1st day of.....1951.

2. *Interpretation.*—In these rules, unless there is anything repugnant in the subject or context—

(*a*) "Act" means the Mysore Minimum Wages Act, 1949,

(*b*) 'Adolescent' means a person who has completed his fifteenth year of age but has not completed his seventeenth year,

(*c*) "Adult" means a person who has completed his seventeenth year,

(*d*) "Advisory Committee" means an Advisory Committee appointed under section 7 of the Act and includes an Advisory Sub-Committee appointed under that section,

(*e*) "Authority" means the authority appointed under sub-section (1) of section 20,

(*f*) "Board" means the Advisory Board appointed under Section 8,

(*g*) "Chairman" means the Chairman of the Advisory Board, the Committee or the Advisory Committee, as the case may be, appointed under section 9,

(*h*) "Child" means a person who has not completed his fifteenth year of age,

(*i*) "Committee" means a Committee appointed under clause (*a*) of sub-section (1) of section 6, and includes a sub-committee appointed under that section.

(*j*) "Form" means a form appended to these rules,

(*k*) "Inspector" means a person appointed as Inspector under sub-section (1) of section 19,

(*l*) "Section" means a section of the Act.

(*m*) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

CHAPTER II.

MEMBERS AND STAFF, AND MEETINGS OF THE BOARD, COMMITTEE AND ADVISORY COMMITTEE.

3. *Term of office of the members of the Committee and the Advisory Committee.*—The term of office of the members of the Committee or an Advisory Committee shall be such as in the opinion of the Government is necessary for completing the enquiry into the scheduled employment concerned and the Government may, at the time of the constitution of the Committee or an Advisory Committee, as the case may be, fix such terms and may, from time to time, extend it as circumstances may require.

4. *Term of office of members of the Board.*—(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board shall be *two years* commencing from the date of his nomination :

Provided that such member shall, notwithstanding the expiry of the said period of *two years* continue to hold office until his successor is nominated.

(2) A non-official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office during the pleasure of the Government.

5. *Travelling allowance.*—A non-official member of the Committee, an Advisory Committee or the Board shall be entitled to draw travelling and halting allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under M.S.R.

6. *Staff.*—(1) The Government may appoint a Secretary to the Committee, an Advisory Committee or the Board, and such other staff as it may think necessary, and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, the Advisory Committee or the Board, as the case may be. He may attend the meetings of such Committee, Advisory Committee or Board but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, the Advisory Committee or the Board, as the case may be.

7. *Eligibility for renomination of the members of the Committee, Advisory Committee and the Board.*—An out-going member shall be eligible for renomination for the membership of the Committee, Advisory Committee or the Board, of which he was a member.

8. *Resignation of the Chairman and Members of the Commitee, Advisory Committee and the Board and filling of casual vacancies.*—(1) A member of the Committee, Advisory Committee or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership.

(2) The Chairman may resign by letter addressed to the Government.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee, Advisory Committee

or the Board, the chairman shall submit a report to the Government immediately. The Government shall then take steps to fill up vacancy.

9. *Cessation and restoration of membership.*—(1) If a member of the Committee, Advisory Committee or the Board fails to attend three consecutive meetings, he shall subject to the provisions of sub-rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, the Advisory Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. *Disqualification.*—(1) A person shall be disqualified for being *nominated* as, and for being a member of the Committee, Advisory Committee or the Board, as the case may be,—

(i) if he is declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1). the decision of the Government thereon shall be final.

11. *Meetings.*—The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee, Advisory Committee or the Board, as the case may be, at any time he thinks fit:

Provided that on a requisition in writing from not less than one-half of the members the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

12. *Notice of meetings.*—The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least *fifteen days* before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of *seven days* only may be given to every member.

13. *Chairman.*—(1) The Chairman shall preside at the meetings of the Committee, Advisory Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves by a majority of votes, a member, who shall preside at such meeting.

14. *Quorum.*—No business shall be transacted at any meeting unless at least one-third of the members are present:

Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

15. *Disposal of business.*—All business shall be considered at a meeting of the Committee, Advisory Committee or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. *In the event of an equality of votes the Chairman shall have a casting vote*:

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than a two-thirds majority of the members.

16. *Method of voting.*—Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be

by secret ballot and shall be held in such manner as the Chairman may decide.

17. *Proceedings of the meeting.*—(1) The proceedings of each meeting showing *inter alia* the names of the members present therat shall be forwarded to each member and to the Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The Proceedings of each meeting shall be confirmed with such modifications, if any as may considered necessary at the next meeting.

CHAPTER III.

SUMMONING OF WITNESSES BY THE COMMITTEE, ADVISORY COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS.

18. *Summoning of witnesses and production of documents.*—(1) A Committee, Advisory Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered Association of workers.

(3) A summons under this rule may be served—

(i) in the case of an individual, by being delivered or sent to him by registered post;

(ii) in the case of an employers' organisation or a registered Association of workers, by being delivered or sent by registered post to the secretary or other principal officer of the organisation or Association, as the case may be.

(4) The provision of the Code of Civil Procedure, 1908, relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, Advisory Committee or the Board.

19. *Expenses of witnesses.*—Every person who is summoned and appears as a witness before the Committee the Advisory Committee or the the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV.

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS.

20. *Mode of computation of the cash value of wages.*—The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. The computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. *Time and conditions of payment of wages and the deductions permissible from wages.*—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed *shall not exceed one month* and the wages of a worker in such employment shall be paid

(*a*) in the case of establishments in which less than one thousand persons are employed, before the expiry of the seventh day, and

(*b*) in the case of other establishments befor the expiry of the tenth day, after the last day of the wage period in respect of which the wages are payable.

(ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely:—

(i) fine;

(ii) deductions for absence from duty;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the employer;

(v) deductions for such amenities and services supplied by the employer as the Government, may by general or special order authorise.

Explanation.—The words 'amenities and services' in this clause do not include the supply of tools and protectives required for the purposes of employment;

(vi) deductions for recovery of advances or for adjustment of over-payments of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month;

(vii) dedcotions of income-tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognised provident fund as defined in section 58A of the Indian Income-Tax Act, 1922, or any provident fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions for payment to co-operative societies or to a scheme of insurance approved by the Government.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions, and all realisation thereof shall be recorded in a register maintained in Form I, II and III, as the case may be. *A return in Form III shall be submitted* annually by the employer.

(5) The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of the Government.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1948.

22. *Publicity to the minimum wage fixed under the Act.*—Notices containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all Sub-Divisional and District Offices.

23. *Weekly Holidays.*—(1) Unless otherwise permitted by Government, no worker shall be required or allowed to work in a scheduled employment, on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the five days immediately before or after the said day *for which he shall receive payment equal to his average daily wages during the preceding week*:

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Where in accordance with the provision of sub-rule (1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week.

Explanation.—For the purposes of this rule 'week' shall mean a period of seven days beginning at midnight on Saturday night.

24. Number of hours of work which shall constitute a normal working day:—

(1) The number of hours which shall constitute a normal working day shall be—

(*a*) in the case of an adult, nine hours;

(*b*) in the case of a child, four and a half hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.

(3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Government.

(4) The provisions of sub-rules (1) to (3) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Government.

25. *Extra wages for overtime.*—(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages,

(*a*) in the case of employment in agriculture, at one and a half time the ordinary rate of wages,

(*b*) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation.—The expression "ordinary rate of wages" means the basic wage *plus* such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of

food-grains and other articles as the person employed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form IV.

26. *Form of registers and records.*—(1) A register of wages shall be maintained by every employer and kept in such form as may be notified by Government and shall include the following particulars :—

(*a*) The minimum rates of wages payable to each person employed;

(*b*) The number of days for which each employed person worked overtime for each wage period;

(*c*) The gross wages of each person employed for each wage period;

(*d*) All deductions made from wages with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of Rule 21;

(*e*) The wages actually paid to each person employed for each wage period and the date of payment.

(2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wages book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in Form V.

CHAPTER V.

CLAIMS UNDER THE ACT.

27. *Application.*—An application under sub-section (2) of section 20 or sub-section (1) of section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms VI and VII, as the case may be.

28. *Authorisation.*—The authorisation to act on behalf of an employed person or persons, under sub-section (2) of section 20 or of sub-section (1) of section 21 shall be given in Form VIII by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

29. *Appearance of parties.*—(1) If an application under sub-section (2) of section 20 or section 21 is entertained, the authority shall serve upon the employer by registered post a notice in Form IX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application *ex-parte.*

(3) If the applicant or his representative fails to appear on the specified date, the authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be reheard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VI.

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT.

30. *Costs.*—(1) The authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include—

(*i*) expenses incurred on account of court-fees;

(*ii*) expenses incurred on subsistence money to witnesses, and

(*iii*) pleader's fees to the extent of ten rupees provided that the authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

12. *Notice of meetings.*—The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least *fifteen days* before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of *seven days* only may be given to every member.

13. *Chairman.*—(1) The Chairman shall preside at the meetings of the Committee, Advisory Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves by a majority of votes, a member, who shall preside at such meeting.

14. *Quorum.*—No business shall be transacted at any meeting unless at least one-third of the members are present:

Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

15. *Disposal of business.*—All business shall be considered at a meeting of the Committee, Advisory Committee or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. *In the event of an equality of votes the Chairman shall have a casting vote*:

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than a two-thirds majority of the members.

16. *Method of voting.*—Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be

by secret ballot and shall be held in such manner as the Chairman may decide.

17. *Proceedings of the meeting.*—(1) The proceedings of each meeting showing *inter alia* the names of the members present therat shall be forwarded to each member and to the Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The Proceedings of each meeting shall be confirmed with such modifications, if any as may considered necessary at the next meeting.

CHAPTER III.

SUMMONING OF WITNESSES BY THE COMMITTEE, ADVISORY COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS.

18. *Summoning of witnesses and production of documents.*—(1) A Committee, Advisory Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered Association of workers.

(3) A summons under this rule may be served—

(i) in the case of an individual, by being delivered or sent to him by registered post;

(ii) in the case of an employers' organisation or a registered Association of workers, by being delivered or sent by registered post to the secretary or other principal officer of the organisation or Association, as the case may be.

(4) The provision of the Code of Civil Procedure, 1908, relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, Advisory Committee or the Board.

19. *Expenses of witnesses.*—Every person who is summoned and appears as a witness before the Committee the Advisory Committee or the the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV.

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS.

20. *Mode of computation of the cash value of wages.*—The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. The computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. *Time and conditions of payment of wages and the deductions permissible from wages.*—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed *shall not exceed one month* and the wages of a worker in such employment shall be paid

(*a*) in the case of establishments in which less than one thousand persons are employed before the expiry of the seventh day, and

(*b*) in the case of other establishments befor the expiry of the tenth day, after the last day of the wage period in respect of which the wages are payable.

(ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely:—

(i) fine;

(ii) deductions for absence from duty;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the employer;

(v) deductions for such amenities and services supplied by the employer as the Government, may by general or special order authorise.

Explanation.—The words 'amenities and services' in this clause do not include the supply of tools and protectives required for the purposes of employment;

(vi) deductions for recovery of advances or for adjustment of over-payments of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month;

(vii) dedcotions of income-tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognised provident fund as defined in section 58A of the Indian Income-Tax Act, 1922, or any provident fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions for payment to co-operative societies or to a scheme of insurance approved by the Government.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions, and all realisation thereof shall be recorded in a register maintained in Form I, II and III, as the case may be. *A return in Form III shall be submitted* annually by the employer.

(5) The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of the Government.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1948.

22. *Publicity to the minimum wage fixed under the Act.*—Notices containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all Sub-Divisional and District Offices.

23. *Weekly Holidays.*—(1) Unless otherwise permitted by Government, no worker shall be required or allowed to work in a scheduled employment, on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the five days immediately before or after the said day *for which he shall receive payment equal to his average daily wages during the preceding week*:

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Where in accordance with the provision of sub-rule (1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week.

Explanation.—For the purposes of this rule 'week' shall mean a period of seven days beginning at midnight on Saturday night.

24. Number of hours of work which shall constitute a normal working day:—

(1) The number of hours which shall constitute a normal working day shall be—

(*a*) in the case of an adult, nine hours;

(*b*) in the case of a child, four and a half hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.

(3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Government.

(4) The provisions of sub-rules (1) to (3) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Government.

25. *Extra wages for overtime.*—(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages,

(*a*) in the case of employment in agriculture, at one and a half time the ordinary rate of wages,

(*b*) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation.—The expression "ordinary rate of wages" means the basic wage *plus* such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of

food-grains and other articles as the person employed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form IV.

26. *Form of registers and records.*—(1) A register of wages shall be maintained by every employer and kept in such form as may be notified by Government and shall include the following particulars :—

(*a*) The minimum rates of wages payable to each person employed ;

(*b*) The number of days for which each employed person worked overtime for each wage period ;

(*c*) The gross wages of each person employed for each wage period ;

(*d*) All deductions made from wages with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of Rule 21 ;

(*e*) The wages actually paid to each person employed for each wage period and the date of payment.

(2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wages book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in Form V.

CHAPTER V.

CLAIMS UNDER THE ACT.

27. *Application.*—An application under sub-section (2) of section 20 or sub-section (1) of section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms VI and VII, as the case may be.

28. *Authorisation.*—The authorisation to act on behalf of an employed person or persons, under sub-section (2) of section 20 or of sub-section (1) of section 21 shall be given in Form VIII by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

29. *Appearance of parties.*—(1) If an application under sub-section (2) of section 20 or section 21 is entertained, the authority shall serve upon the employer by registered post a notice in Form IX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application *ex-parte.*

(3) If the applicant or his representative fails to appear on the specified date, the authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be reheard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VI.

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT.

30. *Costs.*—(1) The authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include—

(*i*) expenses incurred on account of court-fees;

(*ii*) expenses incurred on subsistence money to witnesses, and

(*iii*) pleader's fees to the extent of ten rupees provided that the authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

(3) Where there are more than one pleaders or more than one applicants or opponents, the authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

31. *Court fees.*—The Court fee payable in respect of proceedings under section 20 shall be—

(*i*) for every application to summon a witness—one rupee in respect of each witness;

(*ii*) for every application made by or on behalf of an individual—one rupee:

Provided that the authority may, if in its opinion, the applicant is a pauper exempt him wholly or partly from the payment of such fees;

Provided further that no fee shall be chargeable—

(*a*) from persons employed in agriculture; or

(*b*) in respect of an application made by an Inspector.

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FORM I

REGISTER OF FINES.

Rule 21 (4)

.....Employer .....

Sl. No.	Name	Father's/ Husband's Name	Sex	Department	Nature and date of the offence for which fine imposed	Whether workman showed cause against fine or not. If so, enter date	Rate of wages	Date and amount of fine imposed	Date on which fine realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

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FORM II

Rule 21 (4).

Register of deductions for damage or loss caused to the employer by the neglect or default of the employed persons.

.....Employer.....

Sl. No.	Name	Father's/ Husband's Name	Sex	Department	Damage or loss caused with date	Whether worker showed cause against deduction. If so, enter date	Date and amount of deduction imposed	Numbers of instalments, if any	Date on which total amount realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM III

Rule 21 (4)

Deduction from wages.

Return for the year ending the 31st December.....

1. Name of the employer and postal address.....

2. Total number of persons employed { Adults..... / Children.....

3. Total wages paid.....

4. Number of cases and amounts realised as :—

	No. of cases	Amount
(*a*) Fines.....		
(*b*) Deductions for damage or loss.....		
(*c*) Deductions for breach contract.....		

5. Disbursement from Fine Fund :—

Amount	Purpose
Rs.	

Signature.....

Dated..... .....195 . Designation.....

FORM IV.

Rule 25 (2)

Overtime Register for workers

Month ending.....195

Sl. No.	Name	Father's/Husband's Name	Sex	Designation and Department	Dates on which overtime worked	Extent of overtime on each occasion	Total overtime worked or production case of piece-workers.	Normal hours.	Normal rate	Overtime rate	Normal earnings	Overtime earnings	Total earnings	Date on which overtime payments made
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM V

Rule 26 (5)

Muster Roll.

Name of Establishment..... Place.....

Sl. No.	Name	Father's/ husband's name	Sex	Nature of work	For the period ending...								Remarks.
					1	2	3	4	5				

FORM VI

[Form of Application by an Employee under Section 20 (2).]

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for.....Area.

Application No. of 19 .

(1).....
(2).....
(3).....
} Applicant (s)

(through.....a Legal Practitioner .....official of .....Association which is registered Association.

Address.....

Versus.

(1).....
(2).....
(3).....
} Opponents.

Address.....

The applicant (s) abovenamed beg (s) respectfully to submit as follows :—

(1) that.....

(2) that.....

The applicant (s) has (have) been paid wages at less than the minimum rate of wages.

The applicant (s) estimate (s) the value of the relief sought by him (them) at the sum of Rs.....

The applicant (s) pray (s) that a direction may be issued under sub-section (3) of Section 20 for :—

(*a*) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid; and

(*b*) Compensation amounting to Rs.....

The applicant (s) beg (s) leave to amend or add to or make alterations in the application if any and when necessary.

Date.....

Signature or thumb impression of the employee (s), legal practitioner or official of a registered Association duly authorised.

The applicant (s) do (es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information.

This verification is signed at.....*on.....day of.....19 .

Signature or thumb impression of the employee (s) or legal practitioner or official of a registered Association duly authorised.

FORM VII.

[Form of Application by an Inspector or person acting with the permission of the authority under Section 20 (2)].

In the Court of the authority appointed under the Minimum Wages Act, 1948, for.....area.

Application No. of 19 .

(1) .....Applicant.

Address.....

Versus

(1).....Opponent.

Address.....

The applicant above-named begs respectfully to submit as follows :–

(1) that

(2) that

The opponent is bound to pay wages at the minimum rate of wages fixed by Government but he has paid less wages to the following employees :—

(1).....

(2).....

(3).....

The applicant estimates the value of the relief sought for the employees at the sum of Rs.....

The applicant prays that a direction may be issued under sub-section (3) of section 20 for :—

(*a*) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(*b*) Compensation amounting to Rs.....

The applicant begs leave to amend or add to or make alterations in the application if and when necessary.

Date.....

Signature.....

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and in formation. This vertification is signed at.....on.....day.....19 .

*When the application is by a group of employees, the thumb impression or signatures of two of the applicants need be put to the application and a full list of applicants should be attached to the application.

FORM VIII.

(Form of Authority in favour of a Legal Practitioner or any Official of A Registered Association referred to in Section 20 (2)).

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for Area.

Application No. of 19 .

(1).....
(2).....
(3).....
} Applicant (s)

Versus

(1).....
(2).....
(3).....
} Opponent (s).

I hereby authorise Mr....., a legal practitioner an official of the registered Association of.....to appear and act on my behalf in the above described proceeding and to do all things incidental to such appearing and acting.

Date.....

Signature or thumb impression of the employee.

FORM IX

(Form of Summons to the opponent to appeal before the authority when an application under sub-section (2) of section 20 or under section 21 is entertained).

(Title of the application).

To.....

(Name, description and place of residence).

WHEREAS..... has made the above said application to me under the Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorised agent, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the..... ...day of.....19 . ....., at... .....o'clock in the noon, to answer the claim ; and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day before-mentioned, the application will be heard and determined in your absence.

Date.....

Signature of the Authority.

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

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The Mysore Gazette

PUBLISHED BY AUTHORITY

EXTRAORDINARY

BANGALORE, TUESDAY, FEBRUARY 27, 1951

NOTIFICATION.

No. 17454—C B. 359-50-1, Bangalore, dated 27th February 1951.

His Highness the Maharaja desires to place on record his deep sense of the loss sustained by the State by the sudden death on 24th February 1951, at Madras of Dr. C. R. Reddy, Pro-Chancellor, University of Mysore and Educational Adviser to Government of Mysore. The late Dr. C. R. Reddy had a long and distinguished career in the service of the country. A man of brilliant parts,—scholar, statesman and savant—he was also a great patriot and a pioneer in many fields.

He served Mysore in various capacities, every one of which was characterised by conspicuous ability, uncommon zeal, and indefatigable energy.

By his untimely death, the State has been deprived of his valuable advice and assistance in the implementation of great Educational reforms and re-organisation of the University at a very crucial stage.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

Reg. No. M. 1175

322

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, FRIDAY MARCH 9, 1951.

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 8318—Legis. 88 50-1, dated, Bangalore 9th March 1951.

Ordered that the accompanying Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951, which received the assent of His Highness the Maharaja, on the 1st day of March 1951, be published as Mysore Act No. II of 1951, in the *Mysore Gazette* for general information.

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Mysore Act No. II of 1951.

THE MYSORE PAYMENT OF SALARIES AND ALLOWANCES TO MEMBERS OF THE LEGISLATIVE ASSEMBLY ACT, 1951.

(Received the assent of His Highness the Maharaja on the First day of March 1951.)

An Act to provide for the Salaries and Allowances of the Members of the Legislative Assembly of the Mysore State.

Preamble.

WHEREAS it is expedient to provide for the salaries and allowances of the Members of the Legislative Assembly of the Mysore State;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951.

(2) It shall come into force at once.

Salaries of Members of the Legislative Assembly.

2. There shall be paid to every Member of the Legislative Assembly a salary of rupees one hundred per mensem.

Travelling allowance to Members of the Legislative Assembly.

3. Subject to such conditions as may be determined by rules made under this Act,

(*a*) there shall be paid to Members of the Legislative Assembly not ordinarily resident within prescribed distances, from the place at which their attendance is required in connection with their duties as members, travelling allowance for journeys by rail at the rate of twice the first class fare and for journeys by road at eight annas per mile;

(*b*) there shall be paid to all Members daily allowance for attending meetings at the rate of fifteen rupees per diem.

4. (1) A Minister or the Speaker shall not, while he draws salary and allowances for his office, be entitled to any salary or allowances as a Member of the Legislative Assembly.

Minister, Speaker and Deputy Speaker not to draw salaries as Members.

(2) The Deputy Speaker shall not, while he draws salary for his office, be entitled to any salary as a Member of the Legislative Assembly.

5. (1) The State Government shall, as soon as may be, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—

(*a*) to prescribe the periods during which and the conditions under which daily allowance may be drawn by a Member of the Legislative Assembly;

(*b*) to prescribe the distances referred to in section 3 for the grant of travelling allowance.

(3) All rules made under this section shall be published in the *Mysore Gazette* and on such publication shall have effect as if enacted in this Act.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg No. M. 1175

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 86] BANGALORE, THURSDAY, MARCH 1, 1951. [No. 9

PART IV

Section I-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 3189—Legis. 2 50 62 dated Bangalore, 22nd February 1951.

Ordered that the accompanying Code of Criminal Procedure (Amendment) Act, 1951 (I of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 19th February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 17th February 1951. 326

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1951.

(I OF 1951)

AN

ACT

further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(*1*) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1951.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Substitution of "India" for "the States" in Act V of 1898.*—In the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code), for the words "the States", wherever they occur, the word "India" shall be substituted.

3. *Amendment of section 1, Act V of 1898.*—In sub-section (*2*) of section 1 of the said Code,—

(*i*) for the words and letter "whole of India except Part B States", the words "whole of India except the States of Jammu and Kashmir and Manipur" shall be substituted;

(*ii*) for the words "Presidency of Fort St. George", the words "State of Madras" shall be substituted; and

(*iii*) for the words "Presidency of Bombay", the words "State of Bombay" shall be substituted.

4. *Amendment of section 4, Act V of 1898.*—In sub-section (*1*) of section 4 of the said Code,—

(*i*) for clause (*j*), the following clauses shall be substituted, namely:—

'(*i*) "High Court", in relation to the Andaman and Nicobar Islands, means the High Court in Calcutta, and, in relation to any other local area, means the highest court of criminal appeal for that area (other than the Supreme Court) or, where no such court is established under any law for the time being in force, such officer as the State Government may appoint in this behalf;

(*j*) "India" means the territories to which this Code extends;';

(*ii*) clause (*tt*) shall be omitted.

5. *Amendment of section 25, Act V of 1898.*—In section 25 of the said Code, the words and letter "except Part B States" shall be omitted.

6. *Amendment of section 30, Act V of 1898.*—In section 30 of the said Code,—

(*i*) for the words "Punjab, Delhi, Oudh, the Central Provinces, Coorg and Assam" the words "Assam, Madhya Pradesh, Punjab, Oudh, Madhya Bharat, Hyderabad, Mysore, Patiala and East Punjab States Union and Rajasthan, in all Part C States" shall be substituted;

(*ii*) for the word and figures "section 29", the words and figures "section 28 or section 29" shall be substituted.

7. *Amendment of section 45, Act V of 1898.*—In clause (*ii*) of sub-section (2) of section 45 of the said Code, for the words "by the Central Government or the Crown Representative in any part of India", the words "by the Central Government outside India" shall be substituted.

8. *Amendment of section 54, Act V of 1898.*—In sub-section (*1*) of section 54 of the said Code,—

(*i*) in clause *sixthly*, the words and figures "declared under the Indian Extradition Act, 1903, to be a unit desertion from which is an extradition offence" shall be omitted;

(*ii*) in clause *seventhly*, the words and figures, "or under the Fugitive Offenders Act, 1881" shall be omitted.

9. *Substitution of new Part E in Chapter VI, Act V of 1898.*—In Chapter VI of the said Code, for Part E consisting of sections 93A, 93B and 93C, the following shall be substituted, namely:—

'*E.—Special Rules regarding Processes in certain cases.*

93A. *Special rules regarding processes in certain cases.*—(*1*) In this section, the expression "internal court" means any court in the territories to which this Code extends, and the expression "external court" means any court established or continued by the authority of the Central Government in exercise of its foreign jurisdiction or any court in the State of Jammu and Kashmir or in the State of Manipur.

(*2*) Where an internal court desires that a summons to, or a warrant for the arrest of, an accused person issued by it shall be executed at any place within the local limits of the jurisdiction of an external court, it may send such summons or warrant, in duplicate, by post or otherwise, to the presiding officer of that court to be served or executed; and where any such summons has been so served, the provisions of section 74 shall apply in relation to such summons as if the presiding officer of the external court to whom it is sent were a magistrate in the territories to which this Code extends.

(*3*) Where an internal court has received for service or execution a summons to, or a warrant for the arrest of, an accused person issued by an external court, it shall cause the same to be served or executed as if it were a summons or warrant received by it from another internal court for service or execution within the local limits of its jurisdiction; and where any such warrant of arrest has been so executed, the person arrested shall, so far as possible, be dealt with in accordance with the procedure prescribed by sections 85 and 86.'

10. *Amendment of section 194, Act V of 1898.*—In sub-section (1) of section 194 of the said Code, for the word "order" the word "law" shall be substituted.

11. *Insertion of new section 197A in Act V of 1898.*—After section 197 of the said Code, the following section shall be inserted, namely :—

'197A. *Prosecution of Rulers of former Indian States.*—(*1*) In this section—

(*a*) "former Indian State" means any such Indian State as the Central Government may, by notification in the Official Gazette, specify for the purposes of this section;

(*b*) "Ruler", in relation to a former Indian State, means the person who for the time being is recognised by the President as the Ruler of that State for the purposes of the Constitution.

(*2*) No court shall take cognizance of any offence alleged to have been committed by the Ruler of a former Indian State except with the previous sanction of the Central Government.

(*3*) The provisions of sub-section (*2*) of section 197 shall apply in relation to the prosecution and trial of the Ruler of a former Indian State as they apply in relation to the prosecution and trial of a Judge.'

12. *Amendment of section 266, Act V of 1898.*—In section 266 of the said Code, for the words and letter "for a Part A State" the words and letters "for a Part A State or a Part B State" shall be substituted.

13. *Amendment of section 267, Act V of 1898.*—In section 267 of the said Code, for the word "order" the word "law" shall be substituted.

14. *Amendment of section 320, Act V of 1898.*—In clause (*aa*) of section 320 of the said Code, the words and letters "Part A State or Part C" shall be omitted.

15. *Amendment of section 321, Act V of 1898.*—In sub-section (2) of section 321 of the said Code, the words "and if the person is an European or an American, the list shall mention the race to which he belongs" shall be omitted.

16. *Amendment of sections 364 and 365, Act V of 1898.*—In sections 364 and 365 of the said Code, for the words and letter "for a Part A State", the words and letters "for a Part A State or a Part B State" shall be substituted.

17. *Amendment of section 369, Act V of 1898.*—In section 369 of the said Code, the words and letter "for a Part A State" shall be omitted.

18. *Amendment of section 371, Act V of 1898.*—For sub-section (*3*) of section 371 of the said Code, the following sub-section shall be substituted, namely :—

"(3) When the accused is sentenced to death by any court and an appeal lies from such judgment as of right, the court shall inform him of the period within which, if he wishes to appeal, his appeal should be preferred."

19. *Amendment of section 411A, Act V of 1898.*—In sub-sections (1) and (2) of section 411A of the said Code, for the words "in the Letters Patent of any High Court" the words "in the Letters Patent or law by which the High Court is constituted or continued" shall be substituted.

20. *Amendment of section 426, Act V of 1898.*—In sub-section (3) of section 426 of the said Code, the words "penal servitude" shall be omitted.

21. *Substitution of new sections for sections 503 to 508A, Act V of 1898.*—For sections 503 to 508A, inclusive, the following sections shall be substituted, namely :—

"503. *When attendance of witness may be dispensed with and commission issued.*—(1) Whenever, in the course of any inquiry, trial or other proceeding under this Code, it appears to a High Court, court of session, district magistrate or presidency magistrate that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case would be, unreasonable, such court or magistrate may dispense with such attendance and may issue a commission for the examination of the witness in accordance with the provisions of this Chapter.

(2) Whenever, in course of an inquiry, trial or other proceeding under this Code before any magistrate other than a district magistrate or presidency magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such magistrate shall apply to the district magistrate stating the reasons for the application; and the district magistrate may either issue a commission in the manner hereinafter provided or reject the application.

504. *Commission to whom to be issued.*—(1) If the witness is within the territories to which this Code extends, the commission shall be directed to the district magistrate or chief presidency magistrate, as the case may be, within the local limits of whose jurisdiction the witness is to be found.

(2) If the witness is in India, but in an area to which this Code does not extend, the commission shall be directed to such court or officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) If the witness is in a country or place outside India and arrangements have been made by the Central Government with the Government of such country or place for taking the evidence of witnesses in relation to criminal matters, the commission shall be issued in such form, directed to such court or officer, and sent to such authority for transmission, as the Central Government may, by notification in the Official Gazette, prescribe in this behalf.

505. *Execution of commissions.*—(*1*) Upon receipt of the commission, the district magistrate, or such magistrate of the first class as he may appoint in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant cases under this Code.

(*2*) Upon receipt of the commission, the chief presidency magistrate, or such presidency magistrate subordinate to him as he may appoint in this behalf, may compel the attendance of, and examine, the witness as if he were a witness in a case pending before himself.

506. *Parties may examine witnesses.*—(*1*) The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the court or magistrate directing the commission may think relevant to the issue, and it shall be lawful for the magistrate, court or officer to whom the commission is directed, or to whom the duty of executing it is delegated, to examine the witness upon such interrogatories.

(*2*) Any such party may appear before such magistrate, court or officer by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

507. *Return of commission.*—(*1*) After any commission issued under section 503 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the court or magistrate issuing the commission; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

(*2*) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Indian Evidence Act, 1872 (I of 1872), may also be received in evidence at any subsequent stage of the case before another court.

508. *Adjournment of proceeding.*—In every case in which a commission is issued under section 503, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

508A. *Execution of foreign commissions.*—(*1*) The provisions of section 505 and so much of section 506 and section 507 as relates to the execution of a commission and its return shall apply in respect of commissions issued by any of the courts, judges or magistrates hereinafter mentioned as they apply to commissions issued under section 503.

(*2*) The courts, judges and magistrates referred to in sub-section (*1*) are—

"(*a*) any such court, judge or magistrate exercising jurisdiction within an area in India to which this Code does not extend, as the Central Government may, by notification in the Official Gazette, specify in this behalf; and

(*b*) any court, judge or magistrate exercising jurisdiction in any such country or place outside India as the Central Government may,

by notification in the Official Gazette, specify in this behalf, and having authority, under the law in force in that country or place, to issue commissions for the examination of witnesses in relation to criminal matters."

22. *Amendment of section 554, Act V of 1898.*—In sub-section (*1*) of section 554 of the said Code, for the words and letter "for a Part A State", the words and letters "for a Part A State or a Part B State" shall be substituted.

23. *Amendment of section 558, Act V of 1898.*—In section 558 of the said Code, after the words and letter "Part A State" the words and letter "or a Part B State" shall be substituted.

24. *Amendment of Schedule II, Act V of 1898.*—In Schedule II to the said Code, under the heading "Offences against other laws," in the fifth column relating to the second item, after the words "Except in cases" the words "not relating to fire-arms" shall be inserted.

25. *Repeals and savings.*—(*1*) If immediately before the day on which this Act comes into force in a Part B State there is in force in that State any law which corresponds to the said code, such corresponding law shall on that day stand repealed but not so as to restore any jurisdiction or form of procedure not then existing or followed or to render unlawful the continuance of any confinement which is then lawful.

(*2*) All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made, under any corresponding law hereby repealed shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding provision of the said Code.

(*3*) The provisions of the said Code shall apply to all proceedings instituted after the coming into force of the said Code in any Part B State and, so far as may be, to all cases pending in any criminal court in that State when the said Code comes into force therein.

(*4*) Where under any law in force in a Part B State immediately before the commencement of this Act, a sessions judge has been empowered to exercise all or any of the powers of a district magistrate, then, notwithstanding anything contained in sub-section (*1*), that law shall, in so far as it purports to confer such powers on any sessions judge, continue to have effect as if enacted in the said Code, and nothing in the said Code shall be deemed to transfer to any district magistrate in that State any of the powers so exercisable by a sessions judge.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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NOTIFICATION.

No. L.D. 3190—Legis. 2-50-63, dated Bangalore, the 22nd February 1951.

Ordered that the accompanying Code of Civil Procedure (Amendment) Act, 1951, (II of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 19th February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

3393

Received Assent on 17th February 1951.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1951.

(II OF 1951)

AN

ACT

further to amend the Code of Civil Procedure, 1908.

Be it enacted by Parliament as follows :—

1. *Short title and commencement.*—(*1*) This Act may be called the Code of Civil Procedure (Amendment) Act, 1951.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1, Act V of 1908.*—For sub-section (*3*) of section 1 of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), the following shall be substituted, namely :—

" (*3*) It extends to the whole of India except—

(*a*) the Tribal Areas in the State of Assam ;

(*b*) save as hereinafter provided, the Scheduled Areas in the State of Madras ;

(*c*) the State of Jammu and Kashmir ; and

(*d*) the State of Manipur :

Provided that sections 36 to 43 and Order XXXIV in the First Schedule shall extend also to the Amindivi Islands and the East Godavari, West Godavari and Visakhapatnam Agencies in the State of Madras, and section 48 shall extend also to the said Agencies."

3. *Substitution of "India" for "the States" in Act V of 1908.*—In the said Code, unless otherwise expressly provided, for the words "the States", wherever they occur, the word "India" shall be substituted.

4. *Amendment of section 2, Act V of 1908.*—In section 2 of the said Code,—

(*i*) for clause (*5*), the following clause shall be substituted, namely :—

'(*5*) "foreign court" means a court situate outside India and not established or continued by the authority of the Central Government ;' ;

(*ii*) after clause (*7*), the following clauses shall be inserted, namely :—

'(*7A*) "High Court", in relation to the Andaman and Nicobar Islands, means the High Court in Calcutta ;

(*7B*) "India", except in sections 1, 29, 43, 44, 78, 79, 82, 83 and 87A, means the territory of India excluding the State of Jammu and Kashmir ;' ;

(*iii*) Clause (21) shall be omitted.

5. *Amendment of section 7, Act V of 1908.*—In section 7 of the said Code, after the words "said Act or law" the words "or to courts in Part B States exercising a corresponding jurisdiction" shall be inserted.

6. *Substitution of new section for section 29, Act V of 1908.*—For section 29 of the said Code, the following section shall be substituted, namely :—

"29. *Service of foreign summonses.*—Summonses and other processes issued by—

(*a*) any civil or revenue court established in any part of India to which the provisions of this Code do not extend, or

(*b*) any civil or revenue court established or continued by the authority of the Central Government outside India, or

(*c*) any other civil or revenue court outside India to which the Central Government has, by notification in the Official Gazette, declared the provisions of this section to apply,

may be sent to the courts in the territories to which this Code extends, and served as if they were summonses issued by such courts."

7. *Amendment of section 35A, Act V of 1908.*—In the first proviso to sub-section (*2*) of section 35A of the said Code,—

(*i*) after the figures "1887", the words and letter "or under a corresponding law in force in a Part B State" shall be inserted; and

(*ii*) for the words "under that Act" the words "under such Act or law" shall be substituted.

8. *Substitution of new section for section 43, Act V of 1908.*—For section 43 of the said Code, the following section shall be substituted, namely :—

"43. *Execution of decrees passed by civil courts in places to which this Code does not extend.*—Any decree passed by any civil court established in any part of India to which the provisions of this Code do not extend, or by any court established or continued by the authority of the Central Government outside India, may, if it cannot be executed within the jurisdiction of the court by which it was passed, be executed in the manner herein provided within the jurisdiction of any court in the territories to which this Code extends."

9. *Substitution of new section for section 44, Act V 1908.*—For section 44 of the said Code, the following section shall be substituted, namely :—

"44. *Execution of decrees passed by revenue courts in places to which this Code does not extend.*—The State Government may, by notification in the Official Gazette, declare that the decrees of any revenue court in any part of India to which the provisions of this Code do not extend, or any class of such decrees, may be executed in the State as if they had been passed by courts in that State."

10. *Amendment of section 60, Act V of 1908.*—In clause (*j*) of section 60 of the Code, for the words and figures "the Indian Army Act, 1911, or the Burma Army Act", the words and figures "the Army Act, 1950" shall be substituted.

11. *Substitution of new section for section 78, Act V of 1908.*—For section 78 of the said Code, the following section shall be substituted, namely :—

"78. *Commissions issued by foreign courts.*—Subject to such conditions and limitations as may be prescribed, the provisions as to the execution and return of commissions for the examination of witnesses shall apply to commissions issued by or at the instance of—

(*a*) courts situate in any part of India to which the provisions of this Code do not extend ; or

(*b*) courts established or continued by the authority of the Central Government outside India ; or

(*c*) courts of any State or country outside India."

12. *Substitution of new sections 83 to 87B for sections 83 to 87, Act V of 1908.*—For the heading above section 83, and for sections 83 to 87, inclusive, of the said Code, the following shall be substituted, namely :—

"SUITS BY ALIENS AND BY OR AGAINST FOREIGN RULERS, AMBASSADORS AND ENVOYS

83. *When aliens may sue.*—Alien enemies residing in India with the permission of the Central Government, and alien friends, may sue in any court otherwise competent to try the suit, as if they were citizens of India, but alien enemies residing in India without such permission, or residing in a foreign country, shall not sue in any such court.

Explanation.—Every person residing in a foreign country, the Government of which is at war with India and carrying on business in that country without a licence in that behalf granted by the Central Government, shall, for the purpose of this section, be deemed to be an alien enemy residing in a foreign country.

84. *When foreign States may sue.*—A foreign State may sue in any competent court :

Provided that the object of the suit is to enforce a private right vested in the Ruler of such State or in any officer of such State in his public capacity.

85. *Persons specially appointed by Government to prosecute or defend on behalf of foreign Rulers.*—(*1*) The Central Government may, at the request of the Ruler of a foreign State or at the request of any person competent in the opinion of the Central Government to act on behalf of such Ruler, by order, appoint any persons to prosecute or defend any suit on behalf of such Ruler, and any persons so appointed shall be deemed to be the recognised agents by whom appearances, acts and applications under this Code may be made or done on behalf of such Ruler.

(*2*) An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of such Ruler.

(3) A person appointed under this section may authorise or appoint any other persons to make appearances and applications and do acts in any such suit or suits as if he were himself a party thereto.

86. *Suits against foreign Rulers, Ambassadors and Envoys.*—(1) No Ruler of a foreign State may be sued in any court otherwise competent to try the suit except with the consent of the Central Government certified in writing by a Secretary to that Government:

Provided that a person may, as a tenant of immovable property, sue without such consent as aforesaid a Ruler from whom he holds or claims to hold the property.

(2) Such consent may be given with respect to a specified suit or to several specified suits or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the court in which the Ruler may be sued, but it shall not be given, unless it appears to the Central Government that the Ruler—

(a) has instituted a suit in the court against the person desiring to sue him, or

(b) by himself or another, trades within the local limits of the jurisdiction of the court, or

(c) is in possession of immovable property situate within those limits and is to be sued with reference to such property or for money charged thereon, or

(d) has expressly or impliedly waived the privilege accorded to him by this section.

(3) No Ruler of a foreign State shall be arrested under this Code and, except with the consent of the Central Government certified in writing by a Secretary to that Government, no decree shall be executed against the property of any such Ruler.

(4) The preceding provisions of this section shall apply in relation to—

(a) any Ambassador or Envoy of a foreign State;

(b) any High Commissioner of a Commonwealth country; and

(c) any such member of the staff or retinue of the Ruler, Ambassador or Envoy of a foreign State or of the High Commissioner of a Commonwealth country as the Central Government may, by general or special order, specify in this behalf,

as they apply in relation to the Ruler of a foreign State.

87. *Style of foreign Rulers as parties to suits.*—The Ruler of a foreign State may sue, and shall be sued, in the name of his State:

Provided that in giving the consent referred to in section 86, the Central Government may direct that the Ruler may be sued in the name of an agent or in any other name.

87A. *Definitions of "foreign State" and "Ruler".*—(1) In this Part,—

(a) "foreign State" means any State outside India which has been recognised by the Central Government; and

(*b*) "Ruler", in relation to a foreign State, means the person who is for the time being recognised by the Central Government to be the head of that State.

(*2*) Every court shall take judicial notice of the fact—

(*a*) that a State has or has not been recognised by the Central Government;

(*b*) that a person has or has not been recognised by the Central Government to be the head of a State.

SUITS AGAINST RULERS OF FORMER INDIAN STATES.

87B. *Application of sections 85 and 86 to Rulers of former Indian States.*—(*1*) The provisions of section 85 and of sub-sections (*1*) and (*3*) of section 86 shall apply in relation to the Rulers of any former Indian State as they apply in relation to the Ruler of a foreign State.

(*2*) In this section—

(*a*) "former Indian State" means any such Indian State as the Central Government may, by notification in the Official Gazette, specify for the purposes of this section; and

(*b*) "Ruler", in relation to a former Indian State, means the person who, for the time being, is recognised by the President as the Ruler of that State for the purposes of the Constitution."

13. *Amendment of section 92, Act V of 1908.*—In sub-section (*2*) of section 92 of the said Code, after the figures "1863" the words "or by any corresponding law in force in a Part B State" shall be inserted.

14. *Amendment of heading of Part IX and of section 116, Act V of 1908.*—In the heading of Part IX of the said Code, for the words "CHARTERED HIGH COURTS" the words and letters "HIGH COURTS FOR PART A STATES AND PART B STATES" shall be substituted, and in section 116 of the said Code, after the words and letter "Part A States" the words and letter "and Part B States" shall be inserted.

15. *Amendment of section 122, Act V of 1908.*—In section 122 of the said Code, after the words and letter "Part A States" the words and letter "and Part B States" shall be inserted.

16. *Amendment of section 123, Act V of 1908.*—In sub-section (*2*) of section 123 of the said Code,—

(*i*) for clauses (*b*) and (*c*), the following clause shall be substituted, namely:—

"(*b*) two legal practitioners enrolled in that Court", and

(*ii*) clauses (*d*) and (*e*) shall be re-lettered as clauses (*c*) and (*d*) respectively.

17. *Amendment of section 129, Act V of 1908.*—In section 129 of the said Code, after the words and letter "Part A State", the words and letter "or a Part B State" shall be inserted, and after the words "Letters Patent or order", the words "or other law" shall be inserted.

18. *Amendment of Order L, Act V of 1908.*—In rule 1 of Order L of the First Schedule to the said Code, after the words "said Act or law" the words and letter "or to courts in Part B States exercising a corresponding jurisdiction" shall be inserted.

19. *Special provisions explaining operation of Act IX of 1922.*—Notwithstanding anything contained in sub-section (*2*) of section 1 of the Civil Procedure (Amendment) Act, 1922 (IX of 1922), but without prejudice to any action taken thereunder by any Provincial Government or State Government before the date referred to in sub-section (*2*) of section 1 of this Act, the amendments made in the said Code by sections 2, 3 and 4 of the said Act shall, with effect from that date, become operative throughout the territories to which the said Code will then extend.

20. *Repeals and savings.*—(*1*) If, immediately before the date on which the said Code comes into force in any Part B State, there is in force in that State any law corresponding to the said Code, that law shall on that date stand repealed:

Provided that the repeal shall not affect—

(*a*) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(*c*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(*2*) Subject to the provisions contained in sub-section (*1*), notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under any enactment hereby repealed shall, so far as they are consistent with the said Code, have the same force and effect as if they had been respectively published, made, appointed, filed, prescribed, framed and conferred under the said Code and by the authority empowered thereby in such behalf.

(*3*) In every law or notification passed or issued before the commencement of this Act in which reference is made to or to any Chapter or section of any law hereby repealed, such reference shall so far as may be practicable, be taken to be made to the said Code or its corresponding Part, Order, section or rule.

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PART IV

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Section 1-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 8298—Legis 2-60-64, dated Bangalore, 27th February 1951.

Ordered that the accompanying Part B States (Laws) Act, 1951 (III of 1951) published in the *Gazette of India*, Part II, Section 1 dated the 23rd February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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Received Assent on 22nd February 1951.

THE PART B STATES (LAWS) ACT, 1951

(III OF 1951)

AN

ACT

to provide for the extension of certain laws to Part B States.

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Part B States (Laws) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definition.*—In this Act, "appointed day" means the date on which this Act comes into force.

3. *Extension and amendment of certain Acts and Ordinances.*—The Acts and Ordinances specified in the Schedule shall be amended in the manner and to the extent therein specified, and the territorial extent of each of the said Acts and Ordinances shall, as from the appointed day and in so far as any of the said Acts or Ordinances or any of the provisions contained therein relates to matters with respect to which Parliament has power to make laws, be as stated in the extent clause thereof as so amended.

4. *Construction of references to laws not in force in Part B States.*—Any reference in any Act or Ordinance specified in the Schedule to a law which is not in force in a Part B State shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

5. *Construction of references to authorities where new authorities have been constituted.*—Any reference, by whatever form of words, in any law for the time being in force in a Part B State to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in that State shall, where a corresponding new authority has been constituted by or under any Act or Ordinance now extended to that State, have effect as if it were a reference to that new authority.

6. *Repeals and savings.*—If immediately before the appointed day, there is in force in any Part B State any law corresponding to any of the Acts or Ordinances now extended to that State, that law shall, save as otherwise expressly provided in the Act, stand repealed :

Provided that the repeal shall not affect—

(*a*) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, patent, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act or Ordinance as now extended to that State, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Act or Ordinance.

7. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect in any Part B State to the provisions of any Act or Ordinance now extended to that State, the Central Government may, by order notified in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

(2) In particular, and without prejudice to the generality of the foregoing power, any such notified order may—

(a) specify the corresponding authorities within the meaning of section 5;

(b) provide for the transfer of any matter pending before any court, tribunal or other authority, immediately before the appointed day, to any corresponding court, tribunal or other authority for disposal;

(c) specify the areas or circumstances in which, or the extent to which or the conditions subject to which, anything done or any action taken (including any of the matters specified in the second proviso to section 6) under any law repealed by that section shall be recognised or given effect to under the corresponding provision of the Act or Ordinance as now extended.

THE SCHEDULE

(*See* section 3)

ACTS

The Caste Disabilities Removal Act, 1850

(*XXI of* 1850)

Long title and preamble.—For "the territories subject to the Government of the East India Company" substitute "India".

Section 1.—For "the territories subject to the Government of the East India Company" substitute "India" and for "in the courts of the East India Company

and in the courts established by Royal Charter within the said territories" substitute "in any court".

After section 1, add the following section, namely :—

"2. *Short title and extent.*—(1) This Act may be called the Caste Disabilities Removal Act, 1850.

(2) It extends to the whole of India except the State of Jammu and Kashmir."

The Indian Fatal Accidents Act, 1855

(XIII of 1855).

Renumber section 1 as section 1A and before section 1A, as so renumbered, insert the following, namely :—

"1. *Short title and extent.*—(1) This Act may be called the Fatal Accidents Act, 1855.

(2) It extends to the whole of India except the State of Jammu and Kashmir."

The Indian Penal Code

(Act XLV of 1860).

Throughout the Code, unless otherwise expressly provided, for "the States" substitute "India".

Preamble.—For "the whole of India except Part B States" substitute "India".

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 17.—Omit "Part A".

For *section 18*, substitute :—

'18. *India.*—"India" means the territory of India excluding the State of Jammu and Kashmir.'

Section 75.—Omit "or" at the end of clause (a) and omit clause (b).

Section 124.—For "Governor" wherever it occurs substitute "Governor or Rajpramukh".

Section 131.—In the *Explanation*, for "the Indian Army Act, 1911" and "the Indian Air Force Act, 1932" substitute "the Army Act, 1950" and "the Air Force Act, 1950", respectively.

Section 139.—For "the Indian Army Act, 1911" and "the Indian Air Force Act, 1932" substitute "the Army Act, 1950" and "the Air Force Act, 1950", respectively.

Section 216.—Omit 'or under the Fugitive Offenders Act, 1881".

Section 294A.—For "a lottery organised by the Central Government or the Government of a Part A State or a Part B State" substitute "a State lottery".

Section 366B.—After "any country outside India" insert "or from the State of Jammu and Kashmir" and omit the words beginning with "and whoever with such intent or knowledge" and ending with "or by another person".

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The Press and Registration of Books Act, 1867

(XXV of 1867)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Long title and preamble.—For "the whole of India except Part B States" substitute "India".

Section 1.—(1) After the definition of "editor", insert :—

'"India" means the territory of India excluding the State of Jammu and Kashmir.'

(2) Omit the definition of "States".

The Indian Divorce Act, 1869

(IV of 1869)

Long title.—Omit "in India".

Section 2.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—(1) in item (a) of clause (1) for "Part A State" substitute "Part A State or Part B State".

(2) In item (b), for "Ajmer" substitute "Ajmer and Vindhya Pradesh".

(3) After item (f), insert the following, namely :—

"(ff) in relation to Manipur and Tripura the High Court of Assam".

Section 17A.—For "The State Government of any State within which any High Court established by Letters Patent exercises jurisdiction" substitute "The Government of the State within which any High Court exercises jurisdiction" and omit the second paragraph.

The Indian Evidence Act, 1872

(I of 1872)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—For the definitions of "State" and "States" substitute :—

'"India" means the territory of India excluding the State of Jammu and Kashmir.'

Section 37.—For "an Act of the Legislature of a Part A State or a Part C State" substitute "a State Act".

Section 79.—For "in a Part B State" substitute "in the State of Jammu and Kashmir".

Section 86.—(1) In the first paragraph—

(*a*) omit "a Part B State or of";

(*b*) for "such Part B State or country" substitute "such country";

(*c*) for "that State or country" substitute "that country".

(2) In the second paragraph, omit "a Part B State or" and for "in and for that Part B State or country" substitute "in and for the country".

The Special Marriage Act, 1872

(III of 1872)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Contract Act, 1872

(IX of 1872)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 10.—For "Part A States and Part C States" substitute "India".

The Indian Christian Marriage Act, 1872

(XV of 1872)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the States of Travancore-Cochin, Manipur and Jammu and Kashmir".

For the definition of "India" substitute :—

'"India" means the territory comprised in the States to which this Act extends'.

Section 5.—For "Part A States and Part C States" substitute "India".

Section 27.—For "a Part A State or a Part C State" substitute "India".

The Government Savings Banks Act, 1873

(V of 1873)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

After section 1, insert the following as section 2 :—

"2. *Act not to apply to deposits in Anchal Savings Bank.*—This Act shall not apply to any deposits made in the Anchal Savings Bank of the State of Travancore-Cochin, and, notwithstanding anything contained in this Act, any law in force in the said State immediately before the commencement of the Part B States (Laws) Act, 1951, relating to such deposits, shall continue to apply thereto as if that law had not been repealed."

The Indian Oaths Act, 1873

(X of 1873)

Section 1.—For "except Part B States" substitute "except the States of Manipur and Jammu and Kashmir".

Section 4.—In clause (2) of the proviso, omit "in Part A States and Part C States".

The Foreign Recruiting Act, 1874

(IV of 1874)

Long title, preamble and section 3.—For "Part A States and Part C States" substitute "India".

Section 1.—Omit "except Part B States".

The Indian Majority Act, 1875

(IX of 1875)

Preamble and section 3.—For "Part A States and Part C States" substitute "India".

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 4.—In *Illustrations* (a) and (b), for "a domicile in a Part A State or a Part C State" substitute "an Indian domicile" and in all the *Illustrations* for "a Part A State or a Part C State" substitute "India".

The Indian Law Reports Act, 1875

(XVIII of 1875)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—For "decided on or after the said day by any High Court for a Part A State" substitute "decided by any High Court for a Part A State or a Part B State".

The Specific Relief Act, 1877

(I of 1877)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Arms Act, 1878

(XI of 1878)

Section 1.—Omit "except Part B States".

Section 4.—In the definition of "military stores", for "the States" substitute "India" and omit the definition of "States".

Sections 6, 10, 27 and 29.—For "the States" substitute "India".

Section 11.—For "the States", where they first occur, substitute "India", and omit "or between the States and any other part of India".

Section 18.—For "States" substitute "India".

The Legal Practitioners Act, 1879

(XVIII of 1879)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Sections 4 and 5.—For "Part A States and Part C States" substitute "the territories to which this Act extends."

The Kazis Act, 1880

(XII of 1880)

Section 1.—For "But the Government of any other Part A State or the Government of a Part C State" substitute "But the Government of any other State".

The Negotiable Instruments Act, 1881

(XXVI of 1881)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—For the definitions of "State" and "States", substitute:—

'"India" means the territory of India excluding the State of Jammu and Kashmir'.

Sections 20, 136 and 137.—For "the States" substitute "India".

Section 75B.—In the *Explanation*, for "the States" and "any of the States" substitute "India".

Sections 134 and 135.—In the *Illustrations*, for "the States" substitute "India".

Section 137.—For "Part B State" substitute "the State of Jammu and Kashmir".

The Indian Trusts Act, 1882

(II of 1882)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 20.—(1) In clause (d), for "Act of the Legislature of a Part A State" substitute "State Act".

(2) In clause (e), for "a Part A State or a Part C State" substitute "any part of the territories to which this Act extends".

The Transfer of Property Act, 1882

(IV of 1882)

Section 1.—In the fourth paragraph, for "Bombay, Punjab or Delhi" substitute "the said States".

Section 3.—In the definition of "registered", for "a Part A State or a Part C State" substitute "any State to which this Act extends."

Section 52.—For "within the limits of Part A States and Part C States" substitute "within the limits of India excluding the State of Jammu and Kashmir."

The Powers-of-Attorney Act, 1882

(VII of 1882)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir."

The Indian Explosives Act, 1884

(IV of 1884)

Section 1.—In sub-section (2), omit "except Part B States."

Sections 4 and 5.—For "Part A States and Part C States" substitute "India."

The Indian Telegraph Act, 1885

(XIII of 1885)

Section 1.—Omit "except the State of Hyderabad."

Section 3.—Omit clause (8).

Omit section 35.

The Police Act, 1888

(III of 1888)

Section 1.—For sub-section (2), substitute :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, and to the extent to which its provisions relate to the extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State, it extends also to the State of Jammu and Kashmir."

Omit section 1A.

The Indian Merchandise Marks Act, 1889

(IV of 1889)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India."

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—For clause (6), substitute :—

'(6) "India" means the territory of India, excluding the State of Jammu and Kashmir.'

The Charitable Endowments Act, 1890

(VI of 1890)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Guardians and Wards Act, 1890

(VIII of 1890)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—For "Part A States and Part C States", where they first occur, substitute "any State to which this Act extends" and omit "established in Part A States and Part C States".

Section 4.—Omit clause (7).

Omit section 5.

Section 6.—Omit "who is not an European British subject".

Section 11.—For "a Part A State or a Part C State" substitute "any State to which this Act extends".

Section 15.—Omit sub-sections (2) and (3).

Section 17.—Omit sub-section (4).

Section 19.—In clause (b) omit "subject to the provisions of this Act with respect to European British subjects".

The Indian Railways Act, 1890

(IX of 1890)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

Section 47.—In sub-section (1), for "any State Government or the Government of any Part B State" substitute "or a State Government".

Section 59.—In sub-section (5) for "the Indian Territorial Force or of the Auxiliary Force, India" substitute "the Territorial Army or of the National Cadet Corps".

Omit section 144.

The Bankers Books Evidence Act, 1891

(XVIII of 1891)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Partition Act, 1893

(IV of 1893)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Livestock Importation Act, 1898

(IX of 1898)

Section 1.—For sub-section (2) substitute:—

"(2) It extends to all Part A States, Part C States and the States of Saurashtra and Travancore-Cochin."

The Indian Tolls (Army and Air Force) Act, 1901

(II of 1901)

Section 1.—In sub-section (2), omit "except Part B States".

Section 2.—(1) For clause (d), substitute:—

'(d) the expression "the regular forces" means "the regular Army" as defined in clause (xxi) of section 3 of the Army Act, 1950 (XLVI of 1950), and includes the "Air Force" as defined in clause (iv) of section 4 of the Air Force Act, 1950 (XLV of 1950);'.

(2) In clause (f), for "the Auxiliary Force (India) or the Indian Territorial Force" substitute "the Territorial Army or the National Cadet Corps".

(3) In clause (g), for "Indian Regular Reserve of Officers" substitute "Regular Reserve of Officers".

Section 3.—(1) In clause (b), for "the Auxiliary Force (India) or of the Indian Territorial Force" substitute "the Territorial Army or of the National Cadet Corps".

(2) For clause (d) (ii), substitute:—

"(ii) the Territorial Army or the National Cadet Corps".

(3) For "a Part A State or a Part C State" substitute "India".

The Ancient Monuments Preservation Act, 1904

(VII of 1904)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 17.—For "the territories for the time being comprised within Part A States and Part C States" substitute "the territories to which this Act extends".

The Indian Coinage Act, 1906

(III of 1906)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 23.—For "the States" substitute "the territories to which this Act extends".

After section 23, insert the following, namely:—

"24. *Temporary provisions with respect to certain Part B States' coins.*—Notwithstanding anything in section 6 of the Part B States (Laws)

Act, 1951, coins of such description as at the commencement of the said Act were in circulation as legal tender in any Part B State shall continue to be legal tender in that State to the like extent and subject to the same conditions as immediately before the commencement of the said Act for such period, not exceeding two years from such commencement, as the Central Government may, by notification in the Official Gazette, determine."

The Explosive Substances Act, 1908

(VI of 1908)

Section 1.—In sub-section (2), omit "except Part B States" and for "wherever they may be" substitute "outside India".

Section 4.—For "a Part A or a Part C State" and "any such State" substitute "India".

The Indian Limitation Act, 1908

(IX of 1908)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(1) In clause (6), for "any Part B State" substitute "the State of Jammu and Kashmir".

(2) For clause (9A) substitute:—

'(9A) "India" means the territory of India excluding the State of Jammu and Kashmir.'

After section 29, insert:—

"30. *Provision for States for which the period prescribed is shorter than that prescribed by any law previously in force in a Part B State.*—Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Act is shorter than the period of limitation prescribed by any law corresponding to this Act in force in a Part B State which is repealed by the Part B States (Laws) Act, 1951, may be instituted within the period of two years next after the coming into force of this Act in that Part B State or within the period prescribed for such suit by such corresponding law, whichever period expires first."

The Indian Ports Act, 1908

(XV of 1908)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 3.—Omit clause (10).

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The Indian Registration Act, 1908

(XVI of 1908)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—For sub-section (2), substitute the following, namely :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir:

Provided that the State Government may exclude any districts or tracts of country from its operation."

Section 2.—(1) After clause (6), insert :—

'(6A) "India" means the territory of India excluding the State of Jammu and Kashmir.'

(2) Omit clause (11).

Section 33.—(1) In clause (b) of sub-section (1), for "resides in any other part of the States" substitute "resides in any part of India in which this Act is not in force".

(2) After sub-section (1), insert the following *Explanation*, namely :—

'*Explanation.*—In this sub-section, "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (X of 1897).'

The Indian Electricity Act, 1910

(IX of 1910)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 35.—For sub-section (1), substitute :—

"(1) The Central Government may, for the whole or any part of the territories to which this Act extends, and each State Government may, for the whole or any part of the State, by notification in the Official Gazette, constitute an Advisory Board."

Section 36A.—In sub-section (2),—

(i) for "thirteen" substitute "twenty";

(ii) for clause (b) substitute :—

"(b) one member to be nominated by the Government of each of the States to which this Act extends".

Section 37.—For "the territories for the time being comprised within Part A States and Part C States or any part of such territories" substitute "the whole or any part of the territories to which this Act extends".

The Indian Patents and Designs Act, 1911

(II of 1911)

Section 2.—In clause (7)—

(i) in item (b), for "Ajmer" substitute "Ajmer and Vindhya Pradesh";

(ii) in item (c), omit "and Vindhya Pradesh".

Omit section 2A.

After section 79, insert the following as section 80, namely :—

"80. *Repeals and savings.*—(1) If immediately before the 18th day of April 1950, there was in force in any Part B State to which this Act extends any law corresponding to this Act, that corresponding law shall be deemed to have been repealed on the date aforesaid :

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not come into force in the Part B State concerned :

Provided further that, subject to the preceding proviso, any thing done or any action taken, including any patent, permit or licence granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provision of this Act as now extended to that State and shall continue to be in force accordingly, unless and until superseded by any thing done or any action taken under this Act.

(2) Nothing contained in section 6 of the Part B States (Laws) Act, 1951, shall have effect in relation to this Act."

The Indian Lunacy Act, 1912

(IV of 1912)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—(1) After clause (4) insert (4A) :—

'(4A) "India" means the territory of India excluding the State of Jammu and Kashmir'.

(2) Omit clause (13).

Section 91.—In clause (a) of sub-section (1), omit "for a Part A State".

The Official Trustees Act, 1913

(II of 1913)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(1) In clause (1) for "Part A State" substitute "Part A State or a Part B State".

(2) In clause (2)—

(i) in item (a), for "Part A State" substitute "Part A State or a Part B State";

(ii) in item (b), for "Ajmer" substitute "Ajmer and Vindhya Pradesh";

(iii) after item (g), insert :—

"(h) in relation to Manipur and Tripura, the High Court of Assam".

The Administrator General's Act, 1913

(III of 1913)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(1) For clause (3), substitute :—

'(3) "Government" or "the Government" means, in relation to any State, the State Government'.

(2) In clause (12)—

(i) in item (a), for "Part A State" substitute "Part A or a Part B State".

(ii) in item (b), for "Ajmer" substitute "Ajmer and Vindhya Pradesh";

(iii) after item (g), insert :—

"(h) in relation to Manipur and Tripura, the High Court of Assam".

Sections 15 and 16.—For "the Indian Army Act, 1911 (VIII of 1911), or the Indian Air Force Act, 1932 (XIV of 1932)" substitute "the Army and Air Force (Disposal of Private Property) Act, 1950 (XL of 1950)".

Section 17.—(a) For "the Indian Army Act, 1911" and "the Indian Air Force Act, 1932", substitute "the Army and Air Force (Disposal of Private Property) Act, 1950 (XL of 1950)".

(b) For "an Indian commissioned officer" and "Indian Air Force", substitute "a commissioned officer" and "Air Force", respectively.

Section 38.—For "a Part A or a Part C State" substitute "any State to which this Act extends", and for "India or in a Part B State" substitute "India or in the State of Jammu and Kashmir".

Section 57.—For "the territories comprised within Part A States and Part C States" substitute "the territories to which this Act extends".

Section 59A.—Omit sub-section (2).

The Indian Companies Act, 1913

(VII of 1913)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (3), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(1) After clause (7), insert :—

'(7A) "India" means the territory of India excluding the State of Jammu and Kashmir.'

(2) Omit clause (16A).

After section 2A, insert :—

"2B. *Provisions as to companies registered in Part B States before commencement of Part B States (Laws) Act,* 1951.—Notwithstanding anything contained in this Act or in any other law for the time being in force, a company registered under any law corresponding to this Act in force in a Part B State immediately before the commencement of the Part B States (Laws) Act, 1951, shall be deemed for the purposes of this Act to be a company incorporated and registered under this Act :

Provided that the Central Government may, by notification in the Official Gazette, except any such company from any of the obligations imposed on companies by this Act for such period or periods not exceeding one year in the aggregate as it may think fit.

Section 144.—After sub-section (1) insert :—

"(2) Notwithstanding anything contained in sub-section (1) but subject to the provisions of rules made under sub-section (2A), the holder of a certificate granted under a law in force in the whole or any portion of a Part B State immediately before the commencement of the Part B States (Laws) Act, 1951, entitling him to act as an auditor of companies in that State or any portion thereof shall be entitled to be appointed to act as an auditor of companies registered anywhere in that State.

(2A) The Central Government may, by notification in the Official Gazette, make rules providing for the grant, renewal, suspension or cancellation of auditors' certificates to persons in Part B States for the purposes of sub-section (2), and prescribing conditions and restrictions for such grant, renewal suspension or cancellation."

Section 245.—After sub-section (1), insert :—

'*Explanation.*—In this sub-section "India" includes the State of Jammu and Kashmir'.

The Destructive Insects and Pests Act, 1914

(II of 1914)

Long title.—For "Part A States and Part C States", substitute "India".

Preamble.—For "the territories comprised within Part A States and Part C States (hereinafter in this Act referred to as the said territories)" substitute "India".

Section 1.—Renumber section 1 as sub-section (1) of that section, and after sub-section (1) as so renumbered, insert :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir."

Section 2.—For clause (d), substitute :—

'(d) "India" means the territory of India excluding the State of Jammu and Kashmir.'

Section 3.—In sub-section (1), for "the said territories" substitute "India".

Section 4C.—(a) For "any Part B State" substitute "the State of Jammu and Kashmir".

(b) For "the said territories", wherever they occur, substitute "India".

(c) For "such Part B State" substitute "the said State".

Section 5A.—For "from the States to a Part B State" substitute "from India to the State of Jammu and Kashmir".

The Indian Copyright Act, 1914

(III of 1914)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(a) After clause (1), insert:—

'(1A) "India" means the territory of India excluding the State of Jammu and Kashmir.'

(b) Omit clause (3).

The Cinematograph Act, 1918

(II of 1918)

Section 1.—In sub-section (2), omit "Hyderabad and".

The Charitable Religious Trusts Act, 1920

(XIV of 1920)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Red Cross Society Act, 1920

(XV of 1920)

Section 1.—For sub-section (2) substitute:—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, and to the extent to which its provisions relate to any matter in respect of which Parliament has power to make laws for that State, it extends also to that State."

The Indian Passport Act, 1920

(XXXIV of 1920)

Section 1.—In sub-section (2), omit "excluding the State of Hyderabad". Omit section 6.

The Maintenance Orders Enforcement Act, 1921

(XVIII of 1921)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Long title and preamble.—For "Part A States and Part C States" substitute "India"; and omit "any Part B States or".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(a) after the definition of "dependants" insert:—

'"India" means the territory of India excluding the State of Jammu and Kashmir;';

(b) omit the definition of "States".

Section 3.—In sub-section (2), omit "or in respect of any Part B State" and "or State".

The Indian Mines Act, 1923

(IV of 1923)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—In clause (i), for "an Act of the Legislature of a Part A State" substitute "a State Act".

The Indian Boilers Act, 1923

(V of 1923)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 27A.—In sub-section (2).—

(a) for "twelve" substitute "nineteen";

(b) in clause (b), for "of each Part A State" substitute "of each Part A State or Part B State".

The Workmen's Compensation Act, 1923

(VIII of 1923)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In clause (i) of sub-section (1), for "Part A State" substitute "Part A State or Part B State".

Section 15.—In sub-section (4), omit "in Part A States and Part C States".

Section 35.—In sub-section (1),—

(a) omit "to any Part B State or";

(b) for "such State, part or country" substitute "such part or country";

(c) for "a Part A State or Part C State" in both the places where they occur, substitute "any State"; and

(d) omit "in any Part B State".

The Indian Cotton Cess Act, 1923

(XIV of 1923)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In clause (e), for "the Indian Factories Act, 1911" substitute "the Factories Act, 1948".

Section 3.—In sub-sections (1) and (2), for "territories comprised within Part A States and Part C States" substitute "territories to which this Act extends".

Section 4.—In clause (i), for "Imperial Council of Agricultural Research" substitute "Indian Council of Agricultural Research".

The Indian Official Secrets Act, 1923

(XIX of 1923)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—For sub-section (2) substitute:—

"(2) It extends to the whole of India and applies also to servants of the Government and to citizens of India outside India."

Section 2.—Omit clause (9A).

The Indian Soldiers (Litigation) Act, 1925

(IV of 1925)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In clause (b), for "the Indian Army Act, 1911 (VIII of 1911), or the Indian Air Force Act, 1932 (XIV of 1932)" substitute "the Army Act, 1950 (XLVI of 1950), or the Air Force Act, 1950 (XLV of 1950).

The Cotton Ginning and Pressing Factories Act, 1925

(XII of 1925)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 12.—For "Part A States and Part C States" substitute "the territories to which this Act extends".

The Provident Funds Act, 1925

(XIX of 1925)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In sub-clause (i) of clause (f), for "a Part A State or a Part C State" substitute "any part of India".

The Indian Succession Act, 1925

(XXXIX of 1925)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 2.—(a) after clause (c) insert:—

'(cc) "India" means the territory of India excluding the State of Jammu and Kashmir;';

(b) for clause (g) substitute:—

'(g) "State" includes any division of India having a court of the last resort;'.

Section 382.—For section 382 substitute:—

"382 *Effect of certificate granted or extended by Indian representative in foreign State and in certain other cases.*—Where a certificate in the form, as nearly as circumstances admit, of Schedule VIII has been granted to a resident within a foreign State by the Indian representative accredited to that State or before the commencement of the Part B State (Laws) Act, 1951, to a resident within a Part B State by a district judge of that State or where a certificate so granted has been extended in such form by the Indian representative or before the commencement of the said Act by such judge, the certificate shall, when stamped in accordance with the provisions of the Court-fees Act, 1870, with respect to certificates under this Part have the same effect in India as a certificate granted or extended under this Part"

The Indian Trade Unions Act, 1926

(XVI of 1926)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Legal Practitioners (Fees) Act, 1926

(XXI of 1926)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

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The Indian Bar Councils Act, 1926

(XXXVIII of 1926)

Section 1.—For sub-section (2) substitute :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, and shall apply to the High Court of every Part A State and of every Part B State other than the State of Jammu and Kashmir and also to such Judicial Commissioners' Courts in Part C States as the Central Government may, by notification in the Official Gazette, declare to be High Courts to which this Act applies".

Section 8.—In the proviso to sub-section (4), omit "and King's Counsel shall have pre-audience over all Advocates except the Advocate-General".

The Child Marriage Restraint Act, 1929

(XIX of 1929)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Sale of Goods Act, 1930

(III of 1930)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Lac Cess Act, 1930

(XXIV of 1930)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—Omit "in a Part A State or a Part C State".

The Indian Partnership Act, 1932

(IX of 1932)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 69.—In clause (a) of sub-section (4), for "Part A States and Part C States" substitute "the territories to which this Act extends"; and for "such States" substitute "the said territories".

The Tea Districts Emigrant Labour Act, 1932

(XXII of 1932)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(a) for clause (c) substitute :—

'(c) "recruiting State" means any State other than Assam;';

(b) in clause (f), omit "or in any Part B State"; and for "any part of any Part A State or Part C State" substitute "any part of the territories to which this Act extends".

The Children (Pledging of Labour) Act, 1933

(II of 1933)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Wireless Telegraphy Act, 1933

(XVII of 1933)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Indian Dock Labourers Act, 1934

(XIX of 1934)

Section 1.—In sub-section (2), omit "except Part B States".

The Indian Carriage by Air Act, 1934

(XX of 1934)

Section 1.—In sub-section (2), omit "except Part B States".

Sections 2 and 3.—For "Part A States and Part C States" substitute "India".

Second Schedule.—In paragraphs 2 and 4, for "the States" substitute "India".

The Indian Aircraft Act, 1934.

(XXII of 1934)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Petroleum Act, 1934

(XXX of 1934)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(a) for clause (d) substitute :—

'(d) "to transport petroleum" means to move petroleum from one place to another in the territories to which this Act extends, and includes moving from one place to another in the said territories by sea or across territory in India to which this Act does not extend;';

(b) in clause (e), for "the States" substitute "the territories to which this Act extends";

(c) omit clause (i).

The Indian Navy (Discipline) Act, 1934

(XXXIV of 1934)

Section 67.—For "any Part A State or Part C State" substitute "India".

Section 70.—For "a Part A State" substitute "India".

Section 80.—For "Part A States and Part C States" substitute "India".

The Parsi Marriage and Divorce Act, 1936

(III of 1936)

Section 1.—In sub-section (2), for "It extends to the whole of India except Part B States and, in respect of Parsi citizens of India, to the whole of India" substitute "It extends to the whole of India except the State of Jammu and Kashmir".

Section 29.—In sub-sections (2) and (3), for "Part A States and Part C States" substitute "the territories to which this Act extends".

The Payment of Wages Act, 1936

(IV of 1936)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Agricultural Produce (Grading and Marking) Act, 1937

(I of 1937)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Arbitration (Protocol and Convention) Act, 1937

(VI of 1937)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), omit "except Part B States".

Section 2.—Omit "(1). 'States' means the territories for the time being comprised within Part A States and Part C States; and (2)".

The Manoeuvres, Field Firing and Artillery Practice Act, 1938

(V of 1938)

Section 1.—In sub-section (2), omit "except Part B States".

The Criminal Law Amendment Act, 1938

(XX of 1938)

Section 1.—In sub-section (2), omit "except Part B States".

The Employers' Liability Act, 1938,

(XXIV of 1938)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Employment of Children Act, 1938

(XXVI of 1938)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Motor Vehicles Act, 1939

(IV of 1939)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—(a) In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

(b) for sub-section (3), substitute :—

"(3) Chapter VIII shall not have effect in any Part B State to which this Act extends until the Central Government, by notification in the Official Gazette, so directs, and notwithstanding the repeal by section 6 of the Part B States (Laws) Act, 1951, of any law in force in that State corresponding to the Motor Vehicles Act, 1939, the corresponding law, in so far as it requires or relates to the insurance of motor vehicles against third party risks, shall, until Chapter VIII takes effect in that State, have effect as if enacted in this Act".

Section 2.—(a) After clause 9, insert :—

'(9A) "India" means the territories to which this Act extends,';

(b) omit clause (29A).

Section 9.—(a) In sub-section (2), for "in any Part B State", substitute "in the State of Jammu and Kashmir";

(b) in sub-section (4),—

(i) for "any Part B State or" substitute "the State of Jammu and Kashmir or any" and

(ii) for "in any State" and "in any such State" substitute "in the State".

Section 28.—(a) In sub-section (2), for "any Part B State" substitute "the State of Jammu and Kashmir";

(b) in sub-section (5),—

(i) for "any Part B State or" substitute "the State of Jammu and Kashmir or any";

(ii) for "registration in such State" and "registration in any State" substitute "registration in the State"; and

(iii) for "issued in any such State" substitute "issued in the State".

Section 42.—In sub-section (3),—

(i) in clause (a), for "the Government of a Part A State" substitute "a State Government";

(ii) in clause (h), for "any Part B State or" substitute "the State of Jammu and Kashmir or any".

Section 133.—For "the Legislature of a Part A State" substitute "the State Legislature".

The Sixth Schedule.—For the table, substitute the following:—

"Assam	AS
Bihar	BR
Bombay	BM, BY
Madhya Pradesh	CP, MP
Madras	MD, MS
Orissa	OR
Punjab	PN
Uttar Pradesh	UP, US
West Bengal	WB, WG
Hyderabad	HT, HY
Madhya Bharat	MB
Mysore	MY
Patiala and East Punjab States Union	PU
Rajasthan	RJ
Saurashtra	SS
Travancore-Cochin	TC
Ajmer	AJ
Bhopal	BS
Bilaspur	BL
Coorg	CG
Delhi	DL
Himachal Pradesh	HI
Kutch	KH
Manipur	MN
Tripura	TR
Vindhya Pradesh	VP
Andaman and Nicobar Islands	AN".

The Indian Naval Reserve Forces (Discipline) Act, 1939

(Governor-General's Act)

Section 1.—In sub-section (2), omit "except Part B States".

The Standards of Weight Act, 1939

(IX of 1939)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 4.—In sub-section (3), omit "Part B State or".

The Registration of Foreigners Act, 1939

(XVI of 1939)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

Section 2.—Omit clause (aa).

Omit section 9.

The Coal Mines Safety (Stowing) Act, 1939

(XIX of 1939)

Section 1.—For "except for B States and the States of" substitute "except the State of Jammu and Kashmir".

Section 3.—In sub-section (3), for "in the territories for the time being comprised in Part A States and Part C States" substitute "the territories to which this Act extends".

Section 6.—For "imported into the said territories from any foreign country or brought into the said territories from a Part B State" substitute "imported into the said territories from any place outside the said territories".

The Trade Marks Act, 1940

(V of 1940)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(a) for clause (d) substitute: —

'(d) "High Court" means—

(i) in relation to a Part A State or a Part B State, the High Court for that State;

(ii) in relation to Ajmer and Vindhya Pradesh, the High Court at Allahabad;

(iii) in relation to Bhopal, the High Court at Nagpur;

(iv) in relation to Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(v) in relation to Coorg, the High Court at Madras;

(vi) in relation to Kutch, the High Court at Bombay;

(vii) in relation to Manipur and Tripura, the High Court of Assam; and

(viii) in relation to the Andaman and Nicobar Islands, the High Court at Calcutta;

(dd) "India" means the territory of India excluding the State of Jammu and Kashmir;';

(b) omit clause (kk).

Section 10.—For "and either already on the register or already registered in any Part B State to which section 82A for the time being applies" substitute "and already on the register".

Section 19.—Omit "under this Act or from the register of trade marks in any Part B State to which section 82A for the time being applies".

Section 21.—Omit sub-section (2).

Section 22.—In sub-section (3), omit "or in any Part B State to which section 82A for the time being applies".

Section 23.—Omit "or in any Part B State to which section 82A for the time being applies".

Section 46.—Omit the *Explanation* after sub-section (2).

Section 57.—Omit sub-section (2).

Section 58.—In sub-section (3), omit "or in any Part B State to which section 82A for the time being applies".

Section 68.—(a) in clauses (a) and (c) of sub-section (3), omit "a Part B State or of";

(b) in sub-section (4), omit clause (b).

Omit section 82-A.

Section 84.—In clause (11) of sub-section (2), omit "entered into with a Part B State".

The Arbitration Act, 1940

(X of 1940)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Drugs Act, 1940

(XXIII of 1940)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—(1) After clause (b), insert:—

'(bb) "India" means the territory of India excluding the State of Jammu and Kashmir'.

(2) Omit clause (f).

The Agricultural Produce Cess Act, 1940

(XXVII of 1940)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—In sub-section (1), for "the territories for the time being comprised within Part A States and Part C States", substitute "the territories to which this Act extends".

The Mines Maternity Benefit Act, 1941.

(XIX of 1941)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Railways (Local Authorities' Taxation) Act, 1941

(XXV of 1941)

Long title and preamble.—For "Part A State" substitute "State".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Coffee Market Expansion Act, 1942

(VII of 1942)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—(a) after clause (f), insert:—

'(ff) "India" means the territory of India excluding the State of Jammu and Kashmir;';

(b) omit clause (ll).

Section 20.—For "to a Part B State" substitute "to the State of Jammu and Kashmir".

The Weekly Holidays Act, 1942

(XVIII of 1942)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Industrial Statistics Act, 1942

(XIX of 1942)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

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The Reciprocity Act, 1943

(IX of 1943)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Long title and preamble.—Omit "certain parts of".

Section 1.—In sub-section (2), omit "except Part B States".

Section 2.—Omit clause (c).

The Indian Coconut Committee Act, 1944

(X of 1944)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—For "the States" where that expression first occurs, substitute "the territories to which this Act extends"; and for that expression where it next occurs, substitute "the said territories".

The Indian Oilseeds Committee Act, 1946

(IX of 1946)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Protective Duties Act, 1946

(XVII of 1946)

Preamble.—For "Part A States and Part C States" where that expression first occurs, substitute "the territories to which this Act extends"; and for that expression where it next occurs, substitute "the said territories".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Industrial Employment (Standing Orders) Act, 1946

(XX of 1946)

Section 1.—For "except Part B States", substitute "except the State of Jammu and Kashmir".

The Mica Mines Labour Welfare Fund Act, 1946

(XXII of 1946)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In sub-section (1), for "Part A States and Part C States" substitute "the territories to which this Act extends".

Section 4.—In sub-section (1), for "two Advisory Committees, one for the State of Madras and one for the State of Bihar" substitute "as many Advisory Committees as it thinks fit but not exceeding one for each State".

The Delhi Special Police Establishment Act, 1946

(XXV of 1946)

Long title and preamble.—Omit "in the States".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 5.—For "Part A States and Part C States" substitute "India"

Section 6.—(a) for "Part A States and Part C States" substitute "India".

(b) insert the following *Explanation* at the end:—

'*Explanation.*—In sections 5 and 6 the word "India" means the territory of India excluding the State of Jammu and Kashmir.'.

The Foreigners Act, 1946

(XXXI of 1946)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

Section 2.—Omit clause (aa).

The Prevention of Corruption Act, 1947

(II of 1947)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 6.—For "a Part A State" substitute "a State".

The Armed Forces (Emergency Duties) Act, 1947

(XV of 1947)

Section 2.—(a) in sub-section (1), for "in a Part A State or a Part C State or, if so requested by the Government of a Part B State, any specified service in that State" substitute "in a State";

(b) in sub-section (2), for "the Indian Army Act, 1911, or the Indian Air Force Act, 1932" substitute "the Army Act, 1950, or the Air Force Act, 1950".

The Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947

(XVI of 1947)

Section 1.—In sub-section (2), omit "except Part B States".

The Rubber (Production and Marketing) Act, 1947

(XXIV of 1947)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—(a) after clause (d) insert:—

"(dd) "India" means the territory of India excluding the State of Jammu and Kashmir;";

(b) omit clause (k).

The Antiquities (Export Control) Act, 1947

(XXXI of 1947)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In clause (b), for "the territories comprised in Part A States and Part C States" substitute "the territories to which this Act extends".

The Coal Mines Labour Welfare Fund Act, 1947

(XXXII of 1947)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—In sub-section (1), for "Part A States and Part C States" substitute "the territories to which this Act extends".

The Dock Workers (Regulation of Employment) Act, 1948

(IX of 1948)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Minimum Wages Act, 1948

(XI of 1948)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Industrial Finance Corporation Act, 1948

(XV of 1948)

Section 1.—For "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Atomic Energy Act, 1948

(XXIX of 1948)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The National Cadet Corps Act, 1948

(XXXI of 1948)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Mines and Minerals (Regulation and Development) Act, 1948

(LIII of 1948)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Electricity (Supply) Act, 1948

(LIV of 1948)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Territorial Army Act, 1948

(LVI of 1948)

Throughout the Act, for "the Indian Army Act, 1911 (VIII of 1911)" substitute "the Army Act, 1950 (XLVI of 1950)".

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Exchange of Prisoners Act, 1948

(LVIII of 1948)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Central Silk Board Act, 1948

(LXI of 1948)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Factories Act, 1948

(LXIII of 1948)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

371 *The Central Tea Board Act,* 1949

(XIII of 1949)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Hindu Marriages Validity Act, 1949

(XXI of 1949)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Displaced Persons (Legal Proceedings) Act, 1949

(XXV of 1949)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Chartered Accountants Act, 1949

(XXXVIII of 1949)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949

(XLVI of 1949)

Section 1.—In sub-section (2), for "except the States of Hyderabad, and Jammu and Kashmir" substitute "except the State of Jammu and Kashmir".

The Industrial Disputes (Banking and Insurance Companies) Act, 1949

(LIV of 1949)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Explosives (Temporary Provisions) Act, 1949

(LV of 1949)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Central Reserve Police Force Act, 1949

(LXVI of 1949)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

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The Criminal Law Amendment Ordinance, 1944

(XXXVIII of 1944)

Section 1.—For sub-section (2) substitute :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to citizens of India outside India".

The Currency Ordinance, 1940

(IV of 1940)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—For "the territories for the time being comprised within Part A States and Part C States" substitute "the territories to which this Ordinance extends".

After section 2, insert the following, namely :—

"2A. *Temporary provisions with respect to Hyderabad one-rupee notes.*—Notwithstanding anything contained in section 6 of the Part B States (Laws) Act, 1951, notes of the denominational value of one rupee which at the commencement of the said Act were in circulation as legal tender in the State of Hyderabad shall continue to be legal tender in that State to the like extent and subject to the same conditions as, immediately before the commencement of the said Act and for such priod, not exceeding two years, from such commencement, as the Central Government may, by notification in the Official Gazette, determine."

The Armed Forces (Special Powers) Ordinance, 1942

(XLI of 1942)

Section 1.—In sub-section (2), omit "except Part B States".

The International Monetary Fund and Bank Ordinance, 1945

(XLVII of 1945)

Section 1.—In sub-section (2), omit "except Part B States".
Section 5.—For "Part A States and Part C States" substitute "India".

The Criminal Law Amendment Ordinance, 1946

(VI of 1946)

Section 1.—For sub-section (2) substitute :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to citizens of India outside India."

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NOTIFICATION.

No. 17454—C B. 359-50-1, Bangalore, dated 27th February 1951.

His Highness the Maharaja desires to place on record his deep sense of the loss sustained by the State by the sudden death on 24th February 1951, at Madras of Dr. C. R. Reddy, Pro-Chancellor, University of Mysore and Educational Adviser to Government of Mysore. The late Dr. C. R. Reddy had a long and distinguished career in the service of the country. A man of brilliant parts,—scholar, statesman and savant—he was also a great patriot and a pioneer in many fields.

He served Mysore in various capacities, every one of which was characterised by conspicuous ability, uncommon zeal, and indefatigable energy.

By his untimely death, the State has been deprived of his valuable advice and assistance in the implementation of great Educational reforms and re-organisation of the University at a very crucial stage.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

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PART IV

Section I-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. 17000—C.B. 354-50-2, Bangalore, dated 21st February 1951.

The Government of India, Ministry of Home Affairs Notification No. 34-1-51—1-Public, dated 31st January 1951, is republished for information.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi 2, *the* 31*st January* 1951.

NOTIFICATION.

No. 34-1-51—I-Public.—The following Orders made by the President are published for general information :—

In pursuance of clause (3) of Article 77 of the Constitution of India, the President is pleased to make the following Order with effect from such date as may be appointed in this behalf by the Prime Minister, *viz.*—

1. In the place of the Ministry of Industry and Supply, the Ministry of Commerce, the Ministry of Works, Mines and Power, and the Department of Scientific Research, the following Ministries shall be constituted :—

(i) The Ministry of Commerce and Industry,

(ii) The Ministry of Works, Production and Supply, and

(iii) The Ministry of Natural Resources and Scientific Research.

2. The business of the Government of India at present transacted by the Ministry of Industry and Supply, the Ministry of Commerce, the Ministry of Works, Mines and Power, and the Department of Scientific Research shall be allocated among the Ministries as follows :—

Ministry of Commerce and Industry.—

(1) All existing subjects at present dealt with in the Ministry of Commerce, excluding (*a*) Insurance and (*b*) Company Law.

(2) All existing subjects at present dealt with in the Ministry of Industry and Supply excluding the following :—

(*a*) Supply, including purchase and disposal of stores.

(*b*) Production and distribution of salt.

(*c*) Production and distribution of coal

(*d*) Government Industrial undertakings.

Ministry of Works, Production and Supply.—

(1) All existing subjects at present dealt with in the Ministry of Works Mines and Power excluding the following :—

(*a*) Mines.

(*b*) Geological Survey.

(*c*) Power (including Central Electricity Board).

(*d*) Irrigation (including Central Water Power, Irrigation and Navigation Board).

(2) Supply, including purchase and disposal of Stores.

(3) Production and distribution of salt.

(4) Production and distribution of coal

(5) Government industrial undertakings transferred from the existing Industry and Supply Ministry, except Hindustan Aircraft Ltd.

Ministry of Natural Resources and Scientific Research.—

(1) The subjects at present dealt with in the Department of Scientific Research.

(2) Mines.

(3) Geological Survey.

(4) Power (including Central Electricity Board).

(5) Irrigation (including Central Water Power, Irrigation and Navigation Board).

3. The following subjects are allotted to the Ministry of Finance, (Department of Economic Affairs) :—

1. Insurance. 2. Company Law.

4. Hindustan Aircraft Ltd., is allotted to the Ministry of Defenc .

25th December 1950.

RAJENDRA PRASAD,
President.

No. 34-1-51—II-Public.—In pursuance of clause (3) of Article 77 of the Constitution of India, the President is pleased to make the following Order with effect from such date as may be appointed in this behalf by the Prime Minister, namely :—

1. The Ministry of Food and the Ministry of Agriculture shall be combined in one Ministry to be known as the Ministry of Food and Agriculture.

2. All business at present transacted by the Ministry of Food or the Ministry of Agriculture shall be allocated to the Ministry of Food and Agriculture.

31st December 1950.

RAJENDRA PRASAD,
President.

No. 34-1-51—III-Public.—In pursuance of clause (3) of Article 77 of the Constitution of India, the President is pleased to amend the Order made by him under the said provision on the 25th December, 1950, as follows, namely :—

1. In paragraph 2 of the said Order, under the heading "Ministry of Commerce and Industry," in item (1) add the following :—

(c) Shipping.

2. To the said Order the following paragraph shall be added, namely :—

5. Shipping is allotted to the Ministry of Transport.

27th January 1951.

RAJENDRA PRASAD,
President.

The above orders will have effect from the 1st February, 1951.

H. V. R. IYENGAR,
Secretary to the Government of India.

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NOTIFICATION.

No. L.D. 3035—Legis. 2-50-53, dated Bangalore, 5th January 1951.

Ordered that the following Indian Income-tax (Amendment) Act, 1950 (LXXI of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 23rd December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 23rd December 1950.

THE INDIAN INCOME-TAX (AMENDMENT) ACT, 1950.
(LXXI of 1950).

AN

ACT

further to amend the Indian Income-tax Act, 1922.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Indian Income-tax (Amendment) Act 1950.

2. Amendment of section 9(1), Act XI of 1922.—To sub-section (*1*) of section 9 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), the following *Explanation* shall be added, and, subject to the provisions of section 3 of this Act, shall be deemed always to have been added, namely :—

"*Explanation.*—For the purposes of clause (*iv*) of this sub-section, the expression "annual charge" does not include any tax in respect of property or income from property levied by a local authority or a State Government or the Central Government."

3. Section 2 not to apply in certain cases.—Where before the 7th day of October, 1950, the Supreme Court has, on an appeal in respect of the assessment of an assessee for any particular year, held that any tax paid by that assessee in respect of the relevant previous year is an "annual charge not being a capital charge" within the meaning of clause (*iv*) of sub-section (*1*) of section 9 of the said Act, then nothing contained in section 2 of this Act shall apply to the assessment of such assessee for that particular year.

4. Special procedure for revision in certain cases.—Where in respect of any assessment of an assessee under the head "Income from property", other than an assessment referred to in section 3, an allowance has, between the 26th day of May, 1950, and the 7th day of October, 1950, been made by an Income-tax authority or the Appellate Tribunal in respect of any municipal or other taxes levied by a local authority or a State Government as an annual charge not being a capital charge, the Income-tax Officer shall revise the assessment by excluding such allowance, and if, in consequence of such revision, any tax is found payable by the assessee, the Income-tax Officer shall serve on the assessee a notice of demand specifying the sum so payable, and such notice of demand shall be deemed to be issued under section 29 of the said Act, and the provisions of the said Act shall apply accordingly.

5. Amendment of section 9 (2), Act XI of 1922.—(*1*) As from the 1st day of April, 1951, for sub-section (*2*) of section 9 of the said Act, the following sub-section shall be substituted, namely :—

"(*2*) For the purposes of this section, the annual value of any property shall be deemed to be the sum for which the property might reasonably be expected to let from year to year :

Provided that where the property is in the occupation of the owner for the purposes of his own residence and the aforesaid sum exceeds ten per cent of the total income of the owner, the annual value of the property shall be deemed to be ten per cent of such total income :

Provided further that where the property is in the occupation of a tenant and the taxes levied by any local authority in respect of the property are, under the law authorising such levy, payable wholly by the owner or partly by the owner and partly by the tenant—

(*a*) one-half of the total amount of such taxes or one-eighth of the annual value of the property, whichever is less, shall, notwithstanding anything contained in such law, be deemed to be the tenant's liability for such taxes, and

(*b*) in determining the annual value of the property with reference to the rent payable by the tenant, a deduction shall be made equal to that part, if any, of the tenant's liability which is borne by the owner."

(*2*) The amendment made by sub-section (*1*) shall apply to all assessments for the year ending on the 31st day of March, 1952, and for any subsequent year.

6. Repeal of Ordinance XXVIII of 1950.—(*1*) The Indian Income-tax (Amendment) Ordinance, 1950 (XXVIII of 1950), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, as if this Act were in force on the day on which such thing was done or action was taken.

———

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NOTIFICATION.

No. L.D. 3036—Legis. 2-50-54, Bangalore, dated the 5th January 1951.

Ordered that the following Essential Supplies (Temporary Powers) Amendment Act, 1950 (LXXII of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 23rd December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 23rd December 1950.

THE ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT ACT, 1950, (LXXII OF 1950).

AN

ACT

further to amend the Essential Supplies (Temporary Powers) Act, 1946.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1950.

2. Amendment of section 3, Act XXIV of 1946.—In section 3 of the Essential Supplies (Temporary Powers) Act, 1946,—

(*a*) in sub-section (*1*), for the words "notified order" the word "order" shall be substituted ;

(*b*) after sub-section (*1*), the following sub-section shall be inserted, namely :—

"(*1A*) An order made under sub-section (*1*) shall,—

(*a*) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette ; and

(*b*) in the case of an order affecting an individual person, be served on such person—

(*i*) by delivering or tendering it to that person, or

(*ii*) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that person lives and the written report whereof should be witnessed by two persons living in the neighbourhood".

3. Repeal of Ordinance XXXI of 1950.—(*1*) The Essential Supplies (Temporary Powers) Amendment Ordinance, 1950 (XXXI of 1950), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

(*3*) References in section 2 of this Act to any provision of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) shall be construed as references to that provision as in force immediately before the commencement of the said Ordinance.

NOTIFICATION.

No. L. D. 3316—Legis. 2-50-65, dated Bangalore, 2nd—3rd March 1951.

Ordered that the following Preventive Detention (Amendment) Act, 1951 (IV of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 23rd February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,
B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

Received Assent on 22nd February 1951.

THE PREVENTIVE DETENTION (AMENDMENT) ACT, 1951 (IV of 1951)

AN

ACT

further to amend the Preventive Detention Act, 1950.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Preventive Detention (Amendment) Act, 1951.

2. *Amendment of section 1, Act IV of 1950.*—In sub-section (*3*) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as "the said Act"), for the figures "1951" the figures "1952" shall be substituted.

3. *Amendment of section 2, Act IV of 1950.*—In section 2 of the said Act,—

(*a*) the word "and" at the end of clause (*a*) shall be omitted,

(*b*) at the end of clause (*b*) a semicolon and the word "and" shall be added, and

(*c*) after clause (*b*), the following clause shall be inserted, namely :—

'(*c*) "appropriate Government" means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government.'

4. *Amendment of section 3, Act IV of 1950.*—In sub-section (2) of section 3 of the said Act, for clauses (*c*), (*d*) and (*e*), the following clauses shall be substituted, namely :—

"(*c*) the Commissioner of Police for Bombay, Calcutta, Madras or Hyderabad ;

(*d*) Collectors in the State of Hyderabad".

5. *Insertion of new section 3A in Act IV of 1950.*—After section 3 of the said Act, the following section shall be inserted, namely :—

"3A. *Execution of detention orders.*—A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1898 (Act V of 1898)."

6. *Substitution of new sections for sections 4 and 5, Act IV of 1950.*—For sections 4 and 5 of the said Act, the following sections shall be substituted, namely :—

"4. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

(*a*) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify ; and

(*b*) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government :

Provided that no order shall be made by a State Government under clause (*b*) for the removal of a person from one State to another State except with the consent of the Government of that other State.

5. *Detention orders not to be invalid or inoperative on certain grounds.*—No detention order shall be invalid or inoperative merely by reason—

(*a*) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or

(*b*) that the place of detention of such person is outside the said limits."

7. *Amendment of section 7, Act IV of 1950.*—In sub-section (*1*) of section 7 of the said Act, for the words "against the order, in a case where such order has been made by the Central Government, to that Government and in a case where it has been made by a State Government or an officer subordinate thereto to the State Government" the words "against the order to the appropriate Government" shall be substituted.

8. *Amendment of section 8, Act IV of 1950.*—In section 8 of the said Act,—

(*i*) in sub-section (*2*), for the word "two" the word "three" shall be substituted; and

(*ii*) to sub-section (*2*), the following proviso shall be added, namely :—

"Provided that where, immediately before the commencement of the Preventive Detention (Amendment) Act, 1951, any reference under section 9 is pending before an Advisory Board, such Board may, for the purpose of disposing of that reference only, consist of two persons."

9. *Substitution of new section for section 9, Act IV of 1950.*—For section 9 of the said Act, the following section shall be substituted, namely :—

"9. *Reference to Advisory Boards.*—(*1*) In every case where a detention order has been made under this Act, the appropriate Government shall, within six weeks from the date specified in sub-section (*2*) place before an Advisory Board constituted by it under section 8 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer, also the report made by such officer under sub-section (*3*) of section 3.

(*2*) The date referred to in sub-section (*1*) shall be—

(*a*) in every case where at the commencement of the Preventive Detention (Amendment) Act, 1951, the person is under detention in pursuance of a detention order made under sub-clause (*i*) of sub-clause (*ii*) of clause (*a*) of sub-section (*1*) of section 3, the date of commencement of the said Act; and

(*b*) in every other case the date of detention under the order."

10. *Amendment of section 10, Act IV of 1950.*—In section 10 of the said Act,—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The advisory Board shall, after considering the materials placed before it and after calling for such further information, as it may deem necessary, from the appropriate Government or from the person concerned, and, if in any particular case it considers it essential, after hearing him in person, submit its report to the appropriate Government within ten weeks from the date specified in sub-section (*2*) of section 9.";

(*ii*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board."

11. *Substitution of new sections for sections 11 and 12, Act IV of 1950.*—For sections 11 and 12 of the said Act, the following sections shall be substituted, namely:—

"11. *Action upon the report of Advisory Board.*—(*1*) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(*2*) In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith.

12. *Validity and duration of detention in certain cases.*—For the avoidance of doubt it is hereby declared that—

(*a*) every detention order in force at the commencement of the Preventive Detention (Amendment) Act, 1951, shall continue in force and shall have effect as if it had been made under this Act as amended by the Preventive Detention (Amendment) Act, 1951; and

(*b*) nothing contained in sub-section (*3*) of section 1 or sub-section (*1*) of section 12 of this Act as originally enacted shall be deemed to affect the validity or duration of any such order."

12. *Insertion of new section 14 in Act IV of 1950.*—After section 13 of the said Act, the following section shall be inserted, namely:—

"14. *Temporary release of persons detained.*—(*1*) The appropriate Government may at any time direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may at any time cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof."

13. *Repeal of Act XLVIII of 1949.*—The Transfer of Detained Persons Act, 1949, is hereby repealed.

K. V. K. SUNDARAM, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

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Section 1-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. D. 7833, dated Bangalore, 16th February 1951.

The following Notification No. 75 (43)—Law (Tea)—50, dated 3rd February 1951, issued by the Government of India, Ministry of Commerce, publishing draft of certain rules called the Central Tea Board (Statistics of Tea Exports to the United Kingdom) Rules, 1951, is republished for the information of the public.

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE.

No. 75 (43)—Law (Tea)—50, New Delhi, dated the 3rd February 1951.

NOTIFICATION.

CENTRAL TEA BOARD.

The following draft of certain rules which it is proposed to make in exercise of the powers conferred by section 15 of the Central Tea Board Act, 1949 (XIII of 1949), is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the *22nd day of February 1951.*

Any objection or suggestion which may be received from any person with respect to the draft rules before the said date will be considered by the Central Government :—

Draft Rules.

1. These rules may be called the Central Tea Board (Statistics of Tea Exports to the United Kingdom) Rules, 1951.

2. (1) All dealers, growers and manufacturers shall submit to the Chairman, Central Tea Board, not later than the 15th of each month, in the form prescribed in Appendix I to these Rules, monthly returns of their exports to the United Kingdom

of teas of each calendar year, other than those sold through the medium of tea auctions in India.

(2) All exporters of tea to the United Kingdom other than those covered by sub-rule (1) shall also submit monthly returns of their exports of teas to the United Kingdom in the manner prescribed in sub-rule (1).

Explanation.—Monthly returns during each month of a calendar year, shall be submitted by all persons who have exported teas, other than teas purchased through the medium of tea auctions in India to the United Kingdom in any one month. A 'nil' return shall be sent when no tea is exported.

K. P. MATHRANI,
Deputy Secretary to the Government of India.

No. 75(43)—Law (Tea)—40.

Advance copy forwarded to :—

1. The Chairman, Central Tea Board, 27 and 29, Brabourne Road, Calcutta.
2. Government of West Bengal, Commerce, Labour and Industries Department, Calcutta.
3. Government of Assam, Agriculture Department, Shillong.
4. Government of United Province, Rural Development Department, Lucknow.
5. Government of Madras, Development Department, Madras.
6. Government of Punjab, Development Department, Simla.
7. Chief Commissioner, Tripura, Agartala.
8. Secretary, Development Department, Government of Travancore-Cochin, Trivandrum.
9. Chief Secretary to the Government of Mysore, General and Revenue Secretariat, Bangalore.
10. Indian Tea Association, Royal Exchange, Calcutta.
11. Indian Tea Planters' Association, Jalpaiguri.
12. Assam Valley Indian Tea Planters' Association, P.O. Golaghat, Assam.
13. Assam Bengal Indian Tea Planters' Association, 35, Chittaranjan Avenue, Calcutta.
14. Surma Valley Indian Tea Planters' Association, E3, Clive Buildings, Calcutta.
15. Tripura Tea Association, 6, Mangoe Lane, Calcutta.
16. Terai Indian Tea Planters' Association, Simulbarie, Darjeeling.
17. United Planters' Association of South India, Coonoor.
18. Association of Planters of Travancore, Kottayam.
19. Calcutta Tea Traders' Association, Royal Exchange, Calcutta.
20. Kangra Valley Tea Planters' Association, P.O. Palampur, Kangra.
21. Associated Chamber of Commerce of India, 2, Netaji Subhas Road, Calcutta.
22. Federation of Indian Chamber of Commerce and Industries, 28, Ferozeshah Road, New Delhi.
23. Secretary, Central Tea Board, 27 and 29, Brabourne Road, Calcutta.
24. Director of Commercial Intelligence and Statistics, 1, Council House Street, Calcutta.
25. High Commissioner for India, India House, Aldwych, London.

By Order, etc.,

K. P. MATHRANI,
Deputy Secretary to the Government of India.

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APPENDIX I.

MONTHLY RETURN UNDER RULE 2 OF THE CENTRAL TEA BOARD (STATISTICS OF TEA EXPORTS TO THE UNITED KINGDOM) RULES, 1951.

Month.....Year.....

Exporter's Name .....

and Address.....

		Crop of the year		
		195 .	195 .	195 .
(1) Quantity reported in previous return	lbs.			
(2) Quantity exported in month under review :				
by S.S.	lbs.			
S.S.	lbs.			
S.S.	lbs.			
etc. etc.				
(3) Total exports during calendar year up to end of month under review	lbs.			
(4) Of which exported to the London Auctions	lbs.			

Signature of Exporter or of his authorised agent.

Date..... .....

This form should reach the Chairman, Central Tea Board, 27 and 29, Brabourne Road, Calcutta 1, not later than the 15th day of the month following the month under review.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

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Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. S.R. 7411—St. 23-50-2, dated Bangalore, 28th February 1951.

In exercise of the powers conferred by Section 9 of the Mysore Stamp Act, 1900, (Mysore Act II of 1900), His Highness the Maharaja of Mysore is pleased to remit the duties chargeable under the said Act, on account of the lease deed to be executed by the Director, the Asian Field Office on Technical Training, the International Labour Office, in respect of the building situated in Church Street, Civil Station. Bangalore, taken on lease for the use of the Asian Field Office on Technical Training.

By Order of His Highness the Maharaja,

No. R.12160—L.R. 498-50-2 dated Bangalore, 5th March 1951.

In exercise of the powers conferred by the Section 233 of the Mysore Land Revenue Code, 1888 (Mysore Act No. IV of 1888), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Rules under the said Code namely :—

1. After para 1 in Rule 26 of the Rules under the Mysore Land Revenue Code, 1888, the following praa shall be inserted :—

"When the estimated value of the property does not exceed two hundred rupees, the sale may be entrusted to the Revenue Inspector in-charge of the Hobli or Circle, and where such value exceeds two hundred rupees, the sale shall be conducted by the Amildar or such other officer as may be specially empowered in that behalf by the Deputy Commissioner. When the value of the property exceeds one thousand rupees, the sale shall be conducted by the Deputy Commissioner or by an officer not below the rank of an Assistant Commissioner authorised by the Deputy Commissioner by general or special order. When the property consists of more than one lot, the estimated value shall be the value of each lot separately as an individual item and not the aggregate value of all the lots."

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2. In Rule 98 of the said Rules, for the figures "100" wherever they occur, the figures "200" shall be substituted.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

No. C. 1521—Co. 23-49-79, dated Bangalore, 3rd March 1951.

In exercise of the powers conferred by Section 3 and clause (*a*) of Sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950,) His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Notification No. C. 3130—Co., dated the 3rd October 1949, namely:—

In the schedule annexed to the said notification.—

(1) For the heading "Martin & Harris Ltd., Bombay", the heading "MARTIN & HARRIS LTD., CALCUTTA" shall be substituted.

(2) For the heading "VOLKART BROTHERS LIMITED, BOMBAY", the heading "VOLKART BROTHERS, BOMBAY" shall be substituted.

(3) To the entries under the heading "THE UPJOHN COMPANY, U.S.A.", the following entries shall be added, namely:—

	Rs.	a.	p.
Diurnal Penicillin Fortified (Procaine Penicillin G and Buffered Penicil in G per aqueous injection)—2,500,000 units—20 c.c.—per vial	18	13	0
Diurnal Penic llin Fortified (Procaine Penicillin G Buffered Crystall ne Penicillin G for aqueous injection)—500,000 units, 6 c.c.—per unit	5	12	6
Depo-Penicillin 4 lakh units fortified (Procaine Penicillin G in oil with disposable syringe per unit)	8	1	0
Berubigen Capsules 25 MG 50 capsules per bottle ...	17	8	0

(4) To the entries under the heading "BOOTS PURE DRUG COMPANY (INDIA) LTD., BOMBAY", the following entries shall be added, namely:—

Ethisterone Tablets.—			
Tablets of 5 mgm—Bottle of 25	11	4	0
Tablets of 10 mgm—Bottle of 25	20	0	0
Methyl Testosterone—Boots.—			
Tablets of 5 mgm—Bottle of 25	12	3	0

Testosterone Propionate Injection—Boots.—

Amps. of 5 mgm Box of 6	10	12	0
Amps. of 10 mgm Box of 6	17	13	0
Amps. of 25 mgm Box of 3	20	15	0

(5) To the entries under the heading "VOLKART BROTHERS, BOMBAY", the following entries shall be added, namely :—

'Roche' Specialities.

"*Benerva 'Roche'*.—

Vitamin B1, aneurine, thiamine tablets, 10 mg—Bottles of 20	2	6	0
Vitamin B1, aneurine, thiamine tablets, 10 mg—Bottles of 100	9	8	0

Redoxon 'Roche'.—

Vitamin C, 1-ascorbic acid Ampoules 1000 mg.—box of 3	10	0	0
Vitamin C, 1-ascorbic acid Ampoules—1000 mg—box of 25	76	10	0
Vitamin C, 1-ascorbic acid Tablets 500 mg—bot. of 20	12	13	0

Arovit 'Roche'.—

Vitamin A, Tablets 50,000 i.u. bot. of 30	11	7	0
Vitamin A, Ampoules 300,000 i.u. box of 3	10	14	0
Vitamin A, Ampoules 300,000 i.u. box of 25	82	2	0

Gantrisin 'Roche'.—

Sulfonamide preparation Tablets 0.5 gm. bot. of 20	7	0	0
Sulfonamide preparation Ampoules 2 gm. box of 3	8	6	0"

(6) To the entries under the heading "MAY AND BAKER (INDIA) LTD", the following entry shall be added, namely :—

"*Penicillin Lozenges—M & B.*—Containers of 50	1	6	0"

(7) To the entries under the heading "BURROUGHS WELLCOME & Co.", the following entry shall be added, namely :—

'Wellcome' Diphtheria Antitoxin ampoule of 6,000 units	6	8	0

By Order of His Highness the Maharaja,

No. C 1534—Co. 23-49-81, dated Bangalore, 3rd March 1951.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the

Schedule to Notification No. C. 3130/Co., dated the 3rd October 1949, namely—

(1) In respect of the drugs in the said Schedule specified in column 1 hereunder which are manufactured by Boots Pure Drugs Co. (India), Ltd., Bombay, May and Baker (India), Ltd., British Drugs Houses (India), Ltd., Martin and Harris, Ltd., Calcutta (E. R. Squibb and Sons International Corporation Incorporated, New York, U.S.A.), Abbot Laboratories (India), Limited, Bombay, Parke Davis and Company, and Burrough Wellcome and Co., for the prices specified in column 2 of the said schedule the prices specified in column 2 hereunder shall be substituted.

Boots Pure Drug Co. (India), Ltd., Bombay.

	Rs.	a.	p.
Penicillin Oil/Wax Suspension—			
R/C. Vials of 10 c.c. (1 cc=125,000 I.U.) ...	10	0	0
R/C. Vials of 10 c.c. (1 cc=300,000 I.U.) ...	17	8	0
Penicillin Oral Tablets—Boots—			
50,000 units per tablet. Tube of 10 tablets— ...	5	0	0
50,000 U. Pottassium Salt—Bottle of 20 ...	9	0	0
Potassium Salt—100,000 I.U.—Tube of 10 ...	7	0	0
100,000 units—Bottle of 20 ...	13	0	0
Penicillin Eye Ointment—			
Tube of 1 dr.	0	14	0
Penicillin Lozenges—			
500 I.U. per tablet—Bottle of 50	2	0	0
Penicillin Ointment—Tube of 1 oz.— ...	1	4	0
Penicillin Procaine—Injection of R/C. Vials containing 10 cc (1 c.c.—300,000 I.U.) ...	18	0	0

May and Baker (India), Ltd.

Penicillin Ointment—M. & B.—			
Tubes of 1 oz. (each Gm. containing 500 I.U.) of calcium penicillin)	1	3	0
Penicillin Lozenges—M. & B.—			
Containers of 20 (each lozenge contains calcium Penicillin 500 I.U.)	0	14	0

British Drug Houses (India), Ltd.

Penicillin Crystalline G. Vials of 200,000 I.U. each...	1	1	0
Distaquaine G. (Procaine Penicillin Aqueous) 3—dose vials of 900,000 I.U.—each	5	2	0
Vials of 3,000,000 I.U.—each	11	4	0
Distaquaine Forte Vials containing 300,000 I.U. ...			
Procaine Penicillin and 100,000 I.U. Potassium Penicillin—each—	2	8	0

Martin and Harris, Ltd., Calcutta.

E. R. SQUIBB AND SONS INTERNATIONAL CORPORATION INCORPORATED, NEW YORK, U. S. A.

Penicillin Crystalline G Potassium or Sodium—			
Vials of 100,000 units	1	2	0
Vials of 200,000 units	1	8	0
Vials of 500,000 units	2	10	0
Vial of 10,00,000 units	4	6	0
Crysticillin (Procaine Penicillin G. for aqueous injection)			
Vial of 300,000 units	3	6	0
Vial of 30,00,000 units	21	2	0
Crysticillin Fortified 400,000 units per c.c.—vial of 1 c.c.	3	12	0

Abbot Laboratories (India), Ltd., Bombay.

Surbex Tablets (Vitamin B Complex)— 25— ...	9	4	0
— 100— ...	30	8	0
—1000— ...	278	4	0
Penicillin G. Potassium or Sodium—200,000 units ...	1	5	6
500,000 units ...	2	6	6
1,000,000 units ...	4	15	3
Penicillin G. Procaine in Oil, 3 lac units, with Disposable Syringe	7	0	0

Parke Davis and Company.

Chloromycetin 12s. 0·25 gm. each	37	5	0

Burroughs Wellcome and Co.

'Wellcome' Sera—			
Diphtheria Antitoxin—2000 units	2	12	0
" 4000 units	4	12	0
" 8000 units	8	8	0
" 10000 units	10	0	0
" 20000 units	19	0	0
Refined Tetanus Antitoxin—3000 units ...	0	2	8
for Prophylaxis for Treatment—20000 units ...	0	14	0

(2) Under the heading "Messrs. Merck and Co., Ltd., Canada" appearing in the said Schedule, the entry "Penicillin Crystallin Sodium" shall be added.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

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EXTRAORDINARY

BANGALORE, WEDNESDAY, MARCH 14, 1951

NOTIFICATION.

No. L.D. 1144, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The Mysore Prohibition (Amendment) Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE MYSORE PROHIBITION (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Prohibition Act, 1948.

WHEREAS it is expedient further to amend the Mysore Prohibition Act, 1948, (Mysore Act No. XXXVII of 1948), for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Prohibition (Amendment) Act, 195 . Short title and commencement.

(2) It shall come into force at once.

2. Section 47 of the Mysore Prohibition Act, 1948, shall be omitted. Omission of Section 47 of Mysore Act XXXVII of 1948.

Statement of Objects and Reasons.

Section 47 of the Mysore Prohibition Act, 1948, requires that the answers given by persons summoned by any police or prohibition officer under section 45 of the Act shall be reduced to writing and shall be signed by such officer. This section makes a slight departure from the ordinary criminal law relating to procedure in the matter of recording the statements of witnesses by a police officer, because under Section 161 (3) of the Code of Criminal Procedure, 1904, it is not obligatory for a police officer to reduce to writing any statements made by witnesses in the course of examination. The working of section 47 of the Prohibition Act by the Police Department has revealed that it is more of a hindrance than of any aid in the speedy disposal of prohibition offences. It is therefore proposed to delete this section. Hence the Bill.

By Order of His Highness the Maharaja,

B. S. Puttaswamy,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 395

No. L.D. 1145 Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The Mysore Irrigation (Amendment) Bill, 1951, together with statement of objects and reasons, is published for general information.

THE MYSORE IRRIGATION (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Irrigation Act, 1932.

WHEREAS it is expedient further to amend the Mysore Irrigation Act, 1932, (Mysore Act I of 1932), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Irrigation (Amendment) Act, 195. Short title and commencement.

(2) It shall come into force at once.

2. In section 3 of the Mysore Irrigation Act, 1932, (hereinafter referred to as the said Act),— Amendment of section 3 of Mysore Act I of 1932.

(*a*) after clause (4), the following clause shall be inserted, namely :—

"(4-A) 'Chief Engineer' means the Chief Engineer to the Government in charge of the Public Works Department;"

(*b*) after clause (5), the following clause shall be inserted, namely :—

"(5-A) 'Canal Officer' means an Officer appointed by the Government to exercise all or any of the powers of a Canal Officer in respect of any canal area notified in this behalf by the Government in the *Mysore Gazette*;"

(*c*) after clause (10), the following clause shall be added, namely :—

"(11) 'Government' means the State Government."

3. In section 4 of the said Act, after the words "Deputy Commissioner", a comma and the words "the Canal Officer" shall be inserted. Amendment of section 4 of Mysore Act I of 1932.

4. In sections 5 and 6 of the said Act, for the words "Irrigation Officer", the words "Canal Officer or Irrigation Officer" shall be substituted. Amendment of sections 5 and 6 of Mysore Act I of 1932.

Amendment of section 7 of Mysore Act I of 1932.

5. In section 7 of the said Act, for the words "an Irrigation Officer", the words "a Canal Officer or an Irrigation Officer" shall be substituted.

Omission of the words "of the District" in sections 8, 12, 13 and 16 of Mysore Act I of 1932.

6. The words "of the District" occurring in sections 8,12, 13 and 16 of the said Act, shall be omitted.

Amendment of section 8 of Mysore Act I of 1932.

7. In sub-section (1) of section 8 of the said Act, for the words "Revenue Commissioner", the words "Chief Engineer" shall be substituted.

Amendment of section 13 of Mysore Act I of 1932.

8. In section 13 of the said Act—

(1) in sub-section (1), for the words "or any other officer specially empowered by the Government in this behalf", the words "or the Canal Officer" shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) From the order of a Deputy Commissioner or a Canal Officer under sub-section (1), an appeal shall lie to the Chief Engineer within ninety days from the date of such order."

Amendment of section 16 of Mysore Act I of 1932.

9. In of sub-section (1) section 16 of the said Act for the words "An Irrigation Officer", the words, figure and letter "Subject to the provisions of section 16-A, an Irrigation Officer" shall be substituted; and for the words "wet crops", the words "paddy, sugarcane or any perennial crop or intermittent irrigated dry crops" shall be substituted.

Insertion of a new section 16-A in Mysore Act I of 1932.

10. After section 16 of the said Act, the following section shall be inserted, namely:—

Power to prescribe the kind of crop to be grown under an irrigable area and the period of sowing such crop.

"16-A. (1) An officer, not below the rank of an Executive Engineer authorised by the Government in this behalf, may, in consultation with the Deputy Commissioner or the Canal Officer specify, by notification published in such manner as may be prescribed, the kind of crop that shall be grown on any land under any irrigation work, and the period of sowing and planting such crop.

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(2) On the publication of a notification under sub-section (1), no person shall grow or allow any crop other than the crop specified in such notification to be grown on any land under such irrigation work and no person shall sow or plant or allow the sowing or planting of crop at any time other than during the period specified in such notification."

11. After section 17 of the said Act, the following sections shall be inserted, namely :—

Insertion of new sections 17-A and 17-B in Mysore Act I of 1932.

"17-A. Every owner or occupier of land which receives a supply of water from any irrigation work, shall be bound to carry out such directions relating to the maintenance of the irrigation work and the use of water supplied therefrom as the Irrigation Officer may, by order in writing, specify.

Obligations of owners of land receiving water from an irrigation work.

17-B. If it is necessary to acquire any land for the purposes of this Chapter, an officer not below the rank of an Assistant Commissioner, specially empowered by the Government in this behalf, may proceed to acquire the same under the provisions of the Mysore Land Acquisition Act, 1894."

Acquisition of land to ensure supply of water.

12. For section 25 of the said Act, the following section shall be substituted, namely :—

Substitution of a new section for section 25 of Mysore Act I of 1932.

"25. Whenever the construction, restoration or improvement of any irrigation work is proposed to be undertaken, the Government shall direct the officer appointed by it in this behalf to hold an enquiry in the manner hereinafter provided, and to prepare a scheme indicating the lands irrigable by such irrigation work and specifying the rates of contribution and water rates which may be levied in respect of such lands."

Preliminary enquiry to be held when the levy of acreage contribution or water rate or both is necessary for undertaking construction, restoration or improvement of an irrigation work.

Amendment of section 26 of Mysore Act I of 1932.

13. In section 26 of the said Act, for the words "The Deputy Commissioner or other officer appointed to make an enquiry", the words "The Officer appointed to hold an enquiry under section 25" shall be substituted.

Substitution of new sections for sections 27 and 28 of Mysore Act I of 1932.

14. For sections 27 and 28 of the said Act, the following sections shall be substituted, namely :—

Report of the enquiring officer.

"27. On the date fixed for holding an enquiry under section 26 or on such other date to which the enquiry may be adjourned, the officer shall hold a formal enquiry in the manner provided in the Mysore Land Revenue Code, 1888, and after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, shall embody his proceedings in a report and submit it to the Government, together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Government may abandon scheme or proceed with it with modifications.

28. On receipt of the report under section 27, the Government may, after such further enquiry, if any, as they may make, either abandon the scheme or proceed with the scheme in the original form or with such modifications as they may consider necessary.

Government may exclude operation of sections 25, 26 and 27.

28-A. The Government may, by notification in the *Mysore Gazette*, declare that the provisions of sections 25, 26 and 27 shall not apply to the construction or restoration or improvement of any irrigation work or any class of irrigation works and on the publication of such declaration, a scheme prepared by such officer as the Government may appoint, shall be dealt with under section 28, as if it were a scheme submitted under section 27."

Amendment of section 29 of Mysore Act I of 1932.

15. In section 29 of the said Act,—

(1) in sub-section (1), clauses (*a*), (*b*) and (*f*) shall be omitted and clauses (*c*), (*d*) and (*e*) shall be re-lettered as clauses (*a*), (*b*) and (*c*);

(2) sub-section (2) shall be omitted;

(3) sub-sections (3) and (4) shall be re-numbered as sub-sections (2) and (3) respectively, and in sub-section (2) as so re-numbered, for the brackets and letter "(*e*)", the brackets and letter "(*c*)" shall be substituted.

16. In section 31 of the said Act,— Amendment of section 31 of Mysore Act I of 1932

(*a*) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1-A) In calling upon the able bodied male persons to assist in the execution of any work by their labour under sub-section (1), no discrimination shall be made on grounds only of religion, race, caste or class or any of them."

(*b*) in sub-section (2), after the words "Deputy Commissioner", the words "and the Canal Officer" shall be added.

17. In section 45 of the said Act, for the words "to the Revenue Commissioner" the words "to such officer as the Government may, by notification in the *Mysore Gazette*, appoint" shall be substituted. Amendment of section 45 of Mysore Act I of 1932.

18. In Chapter X of the said Act, before section 46, the following sections shall be inserted, namely:— Insertion of new sections 45-A, 45-B, 45-C, 45-D and 45-E before section 46 of Mysore Act I of 1932.

"45-A. If water supplied through a water course be used in an unauthorised manner, and if the person by whose act or neglect such use has occurred, cannot be identified, Liability when person using water unauthorisedly cannot be identified.

the person or all the persons on whose land such water has flowed, if such land has derived benefit therefrom:

or, if no land has derived benefit therefrom, the person, or all the persons chargeable in respect of the water supplied through such water course,

shall be liable, or jointly liable, as the case may be, for the charges which shall be made for such use

under the rules made by the Government under section 56.

Liability when water runs to waste.

45-B. If water supplied through a water-course be suffered to run to waste, and, if, after enquiry, the person through whose act or neglect such water was suffered to run to waste cannot be discovered, the person or all the persons chargeable in respect of the water supplied through such water-course, shall be liable or jointly liable, as the case may be, for the charges which shall be made in respect of the water so wasted, under the rules made by the Government under section 56.

Decision of questions under sections 45-A and 45-B.

45-C. (1) All questions arising under section 45-A or section 45-B, shall be decided by orders, in writing, by the Irrigation Officer.

(2) From any order of the Irrigation Officer under sub-section (1), an appeal shall lie, within thirty days from the date of service of the said order on the person concerned, to the Deputy Commissioner, whose decision thereon shall be final.

Charges for unauthorised use or waste of water recoverable in addition to penalties.

45-D. All charges for the unauthorised use or waste of water under section 45-A or 45-B, may be recovered, as water rates, in addition to any penalties incurred on account of such use or waste.

Interpretation of "Water-course."

45-E. For the purposes of sections 45-A, 45-B, 45-C, and 45-D, 'water-course' includes any channel or pipe supplied with water from an irrigation work and which is maintained at the cost of the Government."

Amendment of section 46 of Mysore Act I of 1932.

19. In section 46 of the said Act,—

(*a*) after clause (*x*), the following clause shall be inserted, namely :—

"(*x-a*) contravenes the provisions of sub-section (2) of section 16-A or any order made under section 17-A ;"

(*b*) in the last paragraph, (i) after the figure and brackets "(*x*)", a comma and the figure, letter and brackets "(*x-a*)" shall be inserted ;

(ii) for the words "with fine which may extend to one hundred rupees", the words "with

imprisonment for a term which may extend to two months or with fine which may extend to five hundred rupees or with both" shall be substituted.

(iii) for the words "with fine which may extend to fifty rupees" the words "with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both" shall be substituted.

20. In section 52 of the said Act,— Amendment of section 52 of Mysore Act I of 1932.

(*a*) after the words "Revenue Commissioner" wherever they occur, the words "or Chief Engineer" shall be inserted; and

(*b*) after the words "Deputy Commissioner", the words "or a Canal Officer" shall be inserted.

21. After section 52 of the said Act, the following sections shall be inserted, namely:— Insertion of new sections 52-A and 52-B in Mysore Act I of 1932.

"52-A. Notwithstanding anything contained in the Indian Evidence Act, 1872, (I of 1872), in prosecutions under clause (*ii*) or clause (*xii*) of section 46, it shall be presumed, until the contrary is proved, that the accused person has committed an offence under the said provision in respect of any irrigation work or water course. Special rules of evidence.

52-B. Notwithstanding anything contained in the Code of Criminal Procedure, 1904 (II of 1904), all offences punishable under this Act, shall be cognizable." Offences under Act to be cognizable.

Statement of Objects and Reasons.

Instances of unauthorised use and wastage of water in the Visvesvaraya Canal and other channe areas are being brought to notice and channel offences of this kind are on the increase. Under the existing provisions of law which are contained in section 46 of the Mysore Irrigation Act, 1932, such offences are dealt with by Magistrates in the ordinary course of law, the offenders being punishable with fine which may extend to one hundred rupees. Since these provisions are inadequate to prevent the offences, it is considered necessary to supplement them with other enabling provisions so as to vest suitable powers in the departmental officers to penalise the offenders direct. Such provisions have been made in sections 45, 46 and 47 of the Bombay Irrigation Act, 1879, whereby offences are dealt with by the departmental officer and the penal charges are preferred along with the water bills. It is considered desirable to have similar provisions in the Mysore Irrigation Act. The working of the Act especially in the channel areas has disclosed certain administrative difficulties, and it is proposed to rectify them by providing for the appointment of Canal Officers in respect of such areas who shall be authorised to exercise certain powers, such as, regulation of water supply, etc. It is also proposed to empower the Chief Engineer in charge of the Public Works Department, in place of the Revenue Commissioner, to hear appeals under sections 8 and 13. This Bill has accordingly been brought forward.

The salient features of the Bill are :—

(1) The land-owners entitled to water under an irrigation work are put under an obligation to carry out the directions relating to the maintenance of the irrigation work and use of water given by an Irrigation Officer. Power is taken to prescribe the kind of crop that shall be grown under an irrigation work or water course and the period of sowing or planting of such crop and also to acquire lands in order to ensure equitable supply of water.

(2) At present when preliminary enquiry is held for undertaking construction or improvement of an irrigation work necessitating the levy of acreage contribution or water rate or both, the holders of at least two-thirds of

the land within the benefited area have to give their consent to the construction, or improvement and to the payment of the contribution or water rate, or both, before the enquiring officer can make a report to the Government. It is proposed to dispense with this requirement if the Government so direct in any case.

(3) Power is vested in the Irrigation Officer to levy penal charges in cases of unauthorised use of water and wastage of water, when the offenders are unascertainable. The penal charges leviable in respect of such offences are regulated by rules prescribed in this behalf by the Government, and are recoverable in the same manner as water rates. Any order made by an Irrigation Officer is appealable to the Deputy Commissioner.

(4) Provision has been made for awarding a sentence of imprisonment for a contravention of certain provisions of the Act in lieu of or in addition to a fine which is leviable at present. In the prosecution of any offender for an offence pertaining to interference with any irrigation work, provision has been made that the courts shall presume, until the contrary is proved, that he has committed that offence. Lastly, offences punishable under the Act are made cognizable.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L. D. 1146, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, the City of Bangalore Improvement (Amendment) Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) BILL, 1951.

A Bill further to amend the City of Bangalore Improvement Act, 1945.

WHEREAS it is expedient further to amend the City of Bangalore Improvement Act, 1945, (Mysore Act V of 1945), for the purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the City of Bangalore Improvement (Amendment) Act, 195 . Short title and commencement.

(2) It shall come into force at once.

2. In the City of Bangalore Improvement Act, 1945, (hereinafter referred to as the said Act), Substitution of certain expressions for expressions occurring in Mysore Act V of 1945.

(i) for the words and figure "Mysore City Municipalities Act, 1933," the words and figure "City of Bangalore Municipal Corporation Act, 1949," shall be substituted ;

(ii) for the words "Official Gazette", the words "*Mysore Gazette*" shall be substituted ; and

(iii) for the words "Municipal Council", the word "Corporation" shall be substituted.

3. For section 2 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 2 of Mysore Act V of 1945.

"2. In this Act, unless there is anything repugnant in the subject or context, Definitions.

(1) "betterment fee" means the fee prescribed by section 18-A, in respect of an increase in the value

of land resulting from the execution of an improvement scheme;

(2) "Board" means the Board of Trustees for the improvement of the City of Bangalore constituted under sections 3 and 4;

(3) "Chairman" means the Chairman of the Board;

(4) "Corporation" means the Corporation of the City of Bangalore constituted under the City of Bangalore Municipal Corporation Act, 1949;

(5) "Government" means the State Government;

(6) "land" has the same meaning as in clause (*c*) of section 3 of the Mysore Land Acquisition Act, 1894;

(7) "prescribed" means prescribed by rules made under this Act;

(8) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, foot-way, square, court, alley or passage, whether a thoroughfare or not;

(9) "Tribunal" means the Tribunal constituted under section 27-A, and until it is constituted, the court having jurisdiction, or the special judicial officer appointed to perform the functions of the court in the City of Bangalore under the Mysore Land Acquisition Act, 1894, irrespective of whether the case arises within or outside the limits of the said city, and all references to the Tribunal shall be construed accordingly;

(10) "trustee" means a member of the Board;

(11) All other words and expressions shall have the meanings respectively assigned to them by the City of Bangalore Municipal Corporation Act, 1949."

Amendment of section 4 of Mysore Act V of 1945.

4. In section 4 of the said Act, for the words "Municipal Councillors of the City", the words "Councillors of the Corporation" shall be substituted.

Amendment of section 8 of Mysore Act V of 1945.

5. In clause (*g*) of sub-section (1) of section 8 of the said Act, for the words "Municipal Councillor," the words "Councillor of the Corporation" shall be substituted.

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6. In sub-section (3) of section 9 of the said Act, after the words "as it thinks fit", the words "and may, with the approval of the Government, associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire" shall be inserted.

Amendment of section 9 of Mysore Act V of 1945.

7. In section 10 of the said Act,—

Amendment of section 10 of Mysore Act V of 1945.

(1) in sub-section (1) for the words "one thousand rupees" and figure "1,000", the words "five thousand rupees" and figure "5,000" shall be substituted.

(2) in sub-section (2), the words "two other Trustees" shall be omitted; and for the figure "1,000", the figure "5,000" shall be substituted;

(3) after sub-section (2), the following sub-sections shall be inserted, namely :—

"(2-A) Every estimate for the expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of—

(*a*) the Chairman, if the contract or agreement in respect of such expenditure was entered into by him under sub-section (1);

(*b*) the Board, if the contract or agreement in respect of such expenditure was entered into under sub-section (2) and the value or amount of the contract or agreement does not exceed fifteen thousand rupees;

(*c*) the Government, if the contract or agreement in respect of such expenditure was entered into under sub-section (2) and the value or amount of the contract or agreement exceeds fifteen thousand rupees.

(2-B) Sub-sections (1), (2) and (2-A) shall apply to every variation or abandonment of a contract, agreement or estimate, as well as to an original contract, agreement or estimate."

(4) For sub-section (3), the following sub-section shall be substituted, namely: –

"(3) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix it to any contract or other instrument."

Amendment of section 12 of Mysore Act V of 1945.

8. After clause (3) of section 12 of the said Act, the following clause shall be inserted, namely:—

"(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;"

Insertion of new section 12-A in Mysore Act V of 1945.

9. After section 12 of the said Act, the following section shall be inserted, namely:—

Delegation of Chairman's powers.

"12-A. (1) The Chairman may, with the approval of the Government, by general or special order in writing, delegate to any officer of the Board any of the Chairman's powers, duties or functions under this Act or any rule made thereunder, except those conferred or imposed upon or vested in him by sections 9, 12, 32, 36, 49 and 50:

Provided that—

(*a*) such delegation shall specify the name or official designation of the person to whom the delegation is made;

(*b*) the Chairman shall not delegate his power under section 10 to make on behalf of the Board any contract involving an expenditure exceeding three thousand rupees;

(*c*) the Chairman shall not delegate his power under section 39 to make appointments to offices carrying a salary of more than fifty rupees per mensem;

(*d*) the Chairman shall not delegate to any officer any of his powers under section 39 in respect of any employee of the Board, unless such employee was appointed by such officer by virtue of a delegation of the Chairman's powers of appointment under that section.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1), shall be subject to such restrictions, conditions and limitations (if any), as may be laid down by the Chairman, and shall also be subject to his control and revision."

10. For section 14 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 14 of Mysore Act V of 1945.

"14. (1) The Board may, subject to the control of the Government, Power of Board to undertake works and incur expenditure for improvement, etc.

(*a*) draw up detailed schemes (hereinafter referred to as 'improvement scheme') for the improvement or expansion or both of the areas to which this Act applies;

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also frame and carry out any improvement scheme on an official representation by the Corporation, provided that the necessary money for framing and carrying out any such scheme is paid to the Board by the Corporation.

(3) Notwithstanding anything to the contrary contained in this Act, or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any other scheme or work and execute it subject to such terms and conditions as may be specified by the Government."

11. In sub-clause (*c*) of clause (1) of section 15 of the said Act, the words "and lighting", shall be omitted. Amendment of section 15 of Mysore Act V of 1945.

12. In section 16 of the said Act, Amendment of section 16 of Mysore Act V of 1945.

(1) in sub-section (1), for the words "land proposed to be acquired", the words "land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee" shall be substituted; and for the word "President," the word "Mayor" shall be substituted.

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) During the thirty days next following the day on which such notification is published in the *Mysore*

Gazette, the Board shall serve a notice on every person whose name appears in the assessment list of the Corporation or the municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice stating whether the person, so served dissents or not to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent."

Amendment of section 18 of Mysore Act V of 1945.

13. In clause (*b*) of sub-section (2) of section 18 of the said Act, for the letters and figure "Rs. 2,500", the words "ten thousand rupees" shall be substituted.

Insertion of new sections 18-A, 18-B, 18-C, 18-D, 18-E, 18-F, 18-G, 18-H, 18-I, 18-J, and 18-K in Mysore Act V of 1945.

14. After section 18 of the said Act, the following sections shall be inserted, namely :—

Payment of betterment fee.

"18-A. (1) When, by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-half of such increase in value.

18-B. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 18-A. Assessment of betterment fee by the Board.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

18-C. (1) If the Government are satisfied after such inquiry, as they think fit, that any arbitrator appointed under sub-section (4) of section 18-B has misconducted himself, they may remove him. Settlement of betterment fee by arbitrator.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award including the finding on costs under sub-section (3) of section 18-E if any, may, within three months from the date of the communication thereof. appeal to the District Judge, Bangalore Division, whether the case arises within or outside the limits of the City, and the decision of the said District Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

18-D. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Powers and duties of arbitrator.

18-E. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate his award to the parties concerned :

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a civil court under the Code of Civil Procedure, 1911, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Board to give notice to persons liable to payment of betterment fee.

18-F. When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of six per cent per annum upon any amount outstanding shall be payable from that date.

Agreement to make payment of betterment fee a charge on land.

18-G. (1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity

of interest at the rate of six per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 18-F.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1), be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at six per cent per annum upto the date of such payment.

(5) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (1), no suit with respect to such agreement shall be brought against the Board by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

Recovery of money payable in pursuance of section 18-B, 18-C or 18-G.

18-H. All money payable in respect of any land by any person in respect of a betterment fee under section 18-B or section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realisation at the rate of six per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the City of Bangalore Municipal Corporation Act, 1949, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said p rs n or successor in such land by public auction and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Board to appoint persons for enforcement of processes for recovery of dues.

18-I. The Board may direct by what authority any powers or duties incident under the City of Bangalore Municipal Corporation Act, 1949, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under section 18-H.

Agreement of payment not to bar acquisition under a fresh declaration.

18-J. If any land, in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 18-B or has been made after its determination under section 18-C or in respect of which an agreement in regard to the betterment fee has been executed under section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Mysore Land Acquisition Act, 1894.

Power of Board to take up works for further improvement.

18.-K. Notwithstanding anything contained in any other provision of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area.

The expenditure incurred or proposed to be incurred or such portion thereof as may be determined by the Board and approved by the Government in carrying out such works may be recovered by a pro-rata levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act."

Amendment of section 20 of Mysore Act V of 1945.

15. In section 20 of the said Act, for the words "President" and "Municipal drain", the words "Mayor" and "Corporation drain" shall respectively be substituted.

Substitution of new section for section 21 of Mysore Act V of 1945.

16. For section 21 of the said Act, the following section shall be substituted, namely :—

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"21. (1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification,

Board and Chairman to exercise powers and functions under Mysore Act LXIX of 1949.

(i) the powers and functions of the Corporation or a standing committee thereof under the City of Bangalore Municipal Corporation Act, 1949, shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act, shall be exercised and discharged by the Chairman.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the Corporation or any standing committee thereof or the Commissioner of the Corporation, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control as may be laid down by the Board or the Chairman, as the case may be."

17. For section 25 of the said Act, the following section shall be substituted, namely :—

Substitution of new section for section 25 of Mysore Act V of 1945.

"25. (1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify.

Forming of new extensions or lay-outs or making new private streets.

(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars:—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces;

(*b*) the intended level, direction and width of thestreets;

(*c*) the street alignment and the building line, and the proposed sites abutting the streets;

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water-supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall either sanction the forming of the extension or lay-out or making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, under-ground drainge and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water-supply mains and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made, for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board,

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(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open;

(iv) if the lay-out in the opinion of the Board cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or make the street until orders have been passed by the Board after the receipt of such information :

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Board has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2), or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions sub-section (1), or makes any street without or otherwise of than in conformity with the orders of the Board under this section, shall be liable, on conviction, to a fine which may extend to one thousand rupees."

18. After section 25 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 25-A and 25-B in Mysore Act V of 1945.

Alteration or demolition of extension, lay-out or street.

"25-A. (1) If any person forms an extension or lay-out or makes any street referred to in section 25 or puts up any building without or otherwise than in conformity with the orders of the Board under section 25, the Chairman may, whether or not the offender be prosecuted under this Act, by notice:—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or street should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the Chairman either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served, fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, lay-out or street.

Power of Chairman to order work to be carried out or to carry it out himself in default.

25-B. (1) The Chairman may,

(*a*) if any person who applies for permission under section 25 and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street, does not so carry it out; or

(*b*) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building, to carry out any work

which, in his opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue."

19. After section 27 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 27-A, 27-B, 27-C, 27-D, 27-E, 27-F and 27-G in Mysore Act V of 1945.

"27-A. (i) The Government may, if they think fit, constitute a Tribunal as provided in section 27-B, for the purpose of performing the functions of the court in reference to the acquisition of land for the Board under the Mysore Land Acquisition Act, 1894. Tribunal to be constituted.

(2) If a Tribunal is constituted under section 27-B,

(i) the Tribunal shall (except for the purposes of section 54 of the Mysore Land Acquisition Act, 1894) be deemed to be the court, and the President of the Tribunal shall be deemed to be the Judge thereof;

(ii) the President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents, by the same means, and (so far as may be) in the same manner, as is provided in the case of a civil court under the Code of Civil Procedure, 1911; and

(iii) the award of the Tribunal shall be deemed to be the award of the court under the Mysore Land Acquisition Act, 1894, and shall be final.

27-B. (1) The Tribunal shall consist of three members namely, a President and two assessors. Constitution of Tribunal.

(2) The President of the Tribunal shall be either—

(a) a member of the Mysore Judicial Service of not less than ten years' standing in such service, who has, for at least three years, served as District Judge or held judicial office not inferior to that of a Subordinate Judge; or

(b) a barrister, or advocate of not less than ten years' standing who has practised as an advocate in the High Court of Mysore.

(3) The President of the Tribunal and one of the assessors shall be appointed by the Government, and the other assessor shall be appointed by the Corporation :

Provided that, if the Corporation fails to make an appointment within one month after it is required so to do by the Government, the appointment shall be made by the Government.

(4) No person shall be eligible for appointment as a member of the Tribunal, if he is a trustee or is, for any of the reasons mentioned in section 8, disqualified to hold the office of a trustee.

(5) The term of office of each member of the Tribunal shall be three years; but any member shall, subject to sub-section (4), be eligible for re-appointment at the end of that term.

(6) The Government may, on the ground of incapacity or misbehaviour, or for any other good and sufficient reason, remove any member of the Tribunal from office.

(7) Every vacancy, whether permanent or temporary, in the office of a member of the Tribunal, shall be filled in accordance with the provisions of sub-section (3).

(8) All appointments made under this section shall be notified in the *Mysore Gazette*.

Remuneration of members of Tribunal.

27-C. A member of the Tribunal shall be entitled to receive such remuneration, by way of salary or fees or both, as the Government may prescribe.

Officers and servants of Tribunal.

27-D. (1) The President of the Tribunal shall, from time to time, prepare a statement showing—

(a) the number and grades of the clerks and other officers and servants whom he considers should

be employed for carrying on the business of the Tribunal,

(b) the amount of the salary to be paid to each such officer and servant, and

(c) the contributions payable in respect of each such officer or servant who is a servant of the Government.

(2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the Government.

(3) The President of the Tribunal shall, with the previous sanction of the Government, make rules—

(i) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Tribunal:

Provided that a servant of the Government employed as an officer or servant of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be laid down in the conditions of his service under the Government relating to transfer to foreign service;

(ii) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers or servants of the Tribunal (other than any servant of the Government in respect of whom a contribution is paid) to subscribe to such fund, at such rates and subject to such conditions as may be prescribed and, with the sanction of the Board, for supplementing such subscriptions out of the funds of the Board;

(iii) for determining the conditions under which the officers and servants of the Tribunal or any of them shall, on retirement, receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances:

Provided that it shall be at the discretion of the Tribunal to determine whether all such officers and servants or any and, if so, which of them, shall become entitled on retirement, to any such gratuities or compassionate allowances as aforesaid.

(4) Subject to any rules made under sub-section (3) and for the time being in force, the power of making appointments and promotions to posts in the service of the

Tribunal, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct and of discharging such officers and servants from the service of the Tribunal for any other reason, shall be exercised by the President of the Tribunal.

Payments by Board on account of Tribunal.

27-E. The amount necessary for the payment of remuneration, salaries, leave allowances and acting allowances in accordance with sections 27-C and 27-D, shall be provided by the Board.

Power to make rules for Tribunal.

27-F. (1) The President of the Tribunal may, from time to time, with the previous sanction of the Government, make rules, not repugnant to the Code of Civil Procedure, 1911, for the conduct of business by the Tribunal.

(2) All such rules shall be published in the *Mysore Gazette.*

Award of Tribunal how to be determined.

27-G. (1) For the purpose of determining the award to be made by the Tribunal under the Mysore Land Acquisition Act, 1894,—

(*a*) if there is any disagreement as to the measurement of land, or the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail;

(*b*) questions relating to the determination of the persons to whom compensation is payable or the apportionment of compensation, may be tried and decided in the absence of the assessors if the President of the Tribunal considers their presence unnecessary; and when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal; and

(*c*) notwithstanding anything contained in the foregoing clauses, the decision on all questions of law and procedure, shall rest solely with the President of the Tribunal.

(2) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the court of the District Judge, Bangalore, as if it were a decree of that court."

20. In section 32 of the said Act, for the words "May" and "July", the words "February" and "April" shall respectively be substituted.

Amendment of section 32 of Mysore Act V of 1945.

21. For the last sentence of section 34 of the said Act, the sentence "A copy of the estimate as approved by the Government shall be sent to the Mayor of the Corporation", shall be substituted.

Amendment of section 34 of Mysore Act V of 1945.

22. In section 35 of the said Act, for the word "President", the word "Mayor" shall be substituted.

Amendment of section 35 of Mysore Act V of 1945.

23. In section 36 of the said Act, for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 36 of Mysore Act V of 1945.

24. In section 37 of the said Act, for the word "President", the word "Mayor" shall be substituted.

Amendment of section 37 of Mysore Act V of 1945.

25. In sub-section (1) of section 39 of the said Act, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted, and the following proviso shall be added namely :—

Amendment of section 39 of Mysore Act V of 1945.

"Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officer belongs."

26. In sub-section (1) of section 43 of the said Act after clause (*e*), the following clause shall be inserted namely :—

Amendment of section 43 of Mysore Act V of 1945.

"(*e-i*) for the forming of extensions or lay-outs and the laying-out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon;"

Insertion of new section 49-A in Mysore Act V of 1945.

27. After section 49 of the said Act, the following section shall be inserted, namely :—

Duties of police officers.

"49-A. It shall be the duty of every police officer—

(*a*) to communicate without delay to the proper officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule or bye-law made under it ;

(*b*) to assist the Chairman or any officer or servant of the Board or any person to whom the Chairman has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such officer or servant of the Board or person under this Act or any such rule or bye-law ; and for all such purposes, he shall have the same powers which he has in the exercise of his ordinary police duties."

Amendment of section 50 of Mysore Act V of 1945.

28. In section 50 of the said Act, for the words "All sums due", the words, figure and letter "Save as otherwise provided in section 18-H all sums due" shall be substituted.

Amendment of section 51 of Mysore Act V of 1945.

29. In sub-section (1) of section 51 of the said Act, after the words "purporting to have been done", the words "for and on behalf of the Board" shall be inserted.

Statement of Objects and Reasons.

The City of Bangalore Improvement Act was passed in the year 1945. Experience of the working of the Act for over four years has revealed a number of defects which hamper effective administration and the need is felt to revise some of the provisions and also to include certain desirable provisions. The Act also requires modifications by way of consequential and incidental amendments to meet the changed conditions arising from the enactment of the City of Bangalore Municipal Corporation Act, 1949.

This Bill is intended to secure these objects, and while effecting necessary modifications and additions, the general frame work of the Act has been kept intact. Advantage has also been taken to incorporate the more important provisions of the Madras City Improvement Trust Act, 1945, with such modifications as are suited to local conditions.

The following Notes on Clauses will briefly explain the main clauses of the Bill :—

NOTES ON CLAUSES.

Clause 6.—Enables the Board to associate with the Committees constituted under the Act, any person or persons (other than trustees) whose advice may be desired.

Clause 7.—The maximum limit of the amount of estimate or contract which the Chairman can sanction or execute has been enhanced from Rs. 1,000 to Rs. 5,000 and that of the Board from Rs. 5,000 to Rs. 15,000. For amounts exceeding Rs. 15,000, the sanction of the Government is necessary.

Clause 8.—The Chairman is enjoined to carry out and execute schemes or works sent by the Government and to incur necessary expenditure therefor.

Clause 9.—Empowers the Chairman to delegate with the approval of the Government certain specified powers and duties conferred or imposed on him under the Act to any of the Officers of the Board.

Clause 10.—Vests power in the Board to take up Improvement Schemes on an official representation by the Bangalore Municipal Corporation, provided the Corporation furnishes the necessary funds for the Scheme.

Clause 14.—Introduces new provisions for the assessment and payment of betterment fee in respect of any land on account of the increases in the value of the land resulting from the execution of an Improvement Scheme and for the settlement of the betterment fee payable by an arbitrator. The new section 18-B vests power in the Board to take up works for further improvement and to recover the expenditure incurred for the purposes on a pro-rata basis.

Clause 16.—Enables the Government in respect of a notified area, to empower the Board and the Chairman to exercise certain powers and functions of the Corporation and the Commissioner, respectively, under the City of Bangalore Municipal Corporation Act, 1949.

Clauses 17 and 18.—Regulates the forming of private extensions, lay-outs or streets under certain specified conditions.

Clause 19.—Provides for the constitution of a Tribunal for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board under the Mysore Land Acquisition Act, 1894, and for other allied matters, such as, remuneration of members of the Tribunal, mode of determination of the award of Tribunal and enforcement of the award of the Tribunal in the Court of the District Judge, Bangalore.

Clause 27.—Imposes a duty on the police officers to furnish information in regard to the commission of any offence under the Act.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L. D. 1147, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The City of Mysore Improvement (Amendment) Bill, 1951, together with statement of objects and reasons, is published for general information.

THE CITY OF MYSORE IMPROVEMENT (AMENDMENT) BILL, 1951.

A Bill further to amend the City of Mysore Improvement Act, 1903.

WHEREAS it is expedient further to amend the City of Mysore Improvement Act, 1903, (Mysore Act III of 1903), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the City of Mysore Improvement (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. In the City of Mysore Improvement Act, 1903, (hereinafter referred to as the said Act), Substitution of certain expressions for expressions occurring in Mysore Act III of 1903.

(*i*) for the words and figure "Mysore Municipal Act, 1906", the words and figure "Mysore City Municipalities Act, 1933" shall be substituted; and

(*ii*) for the words "Official Gazette", the words "*Mysore Gazette*" shall be substituted.

3. For the section 2 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 2 of Mysore Act, III of 1903.

'2. In this Act, unless there is anything repugnant in the subject or context, Definitions.

(1) "betterment fee" means the fee prescribed by section 18-A in respect of an increase in the value of land resulting from the execution of an improvement scheme;

(2) "Board" means the Board of Trustees for the improvement of the City of Mysore constituted under sections 3 and 4;

(3) "Chairman" means the Chairman of the Board;

(4) "The City of Mysore" or "the City" means the area comprised within the limits prescribed by Government from time to time as the municipal limits of the City of Mysore under the Mysore City Municipalities Act, 1933;

(5) "Government" means the State Government;

(6) "The Improvement Committee" means the Committee appointed in Government Order No. 4168-79—L.F. 36-02, dated the 18th September, 1902, for the purpose of devising a scheme for the improvement of the City of Mysore;

(7) "land" has the same meaning as in clause (*c*) of section 3 of the Mysore Land Acquisition Act, 1894;

(8) "prescribed" means prescribed by rules made under this Act;

(9) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

(10) "trustee" means a member of the Board; and

(11) All other words and expressions shall have the meanings respectively assigned to them under the Mysore City Municipalities Act, 1933."

Substitution of a new section for section 4 of Mysore Act III of 1903.

4. For section 4 of the said Act, the following section shall be substituted, namely:—

Constitution of Board.

"4. The Board shall consist of eleven trustees as follows:—

The Chairman of the Board to be appointed by Government;

The Municipal Commissioner of the City Municipal Council, Mysore;

The Vice-President for the time being of the Municipal Council, Mysore;

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The Director of Public Health in Mysore, Bangalore;

The Government Architect;

The Superintending Engineer for time being in charge of the Mysore District;

Three trustees to be appointed by the Government; and

Two trustees to be elected by the Municipal Councillors of the City out of their own body in the prescribed manner, or in default of election as aforesaid, to be appointed by the Government from among the Municipal Councillors of the City".

5. In section 5 of the said Act, for the words "appointed by Government or whose election by the Municipal Councillors shall have been approved by Government", the words "constituting the Board" shall be substituted.

Amendment of section 5 of Mysore Act III of 1903.

6. In sub-section (2) of section 6 of the said Act, for the word "two", the word "three" shall be substituted.

Amendment of section 6 of Mysore Act III of 1903.

7. In sub-section (3) of section 7 of the said Act, for the word "councillors", the word "council" shall be substituted.

Amendment of section 7 of Mysore Act III of 1903.

8. In clause (*e*) of sub-section (1) of section 8 of the said Act, for the expressions "twelve consecutive months" and "six consecutive ordinary meetings", the words "six consecutive months" and "four consecutive ordinary meetings" shall respectively be substituted.

Amendment of section 8 of Mysore Act III of 1903.

9. In sub-section (3) of section 9 of the said Act, after the words "as they think fit", the words "and may, with the approval of the Government, associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice they may desire" shall be inserted.

Amendment of section 9 of Mysore Act III of 1903.

10. In section 10 of the said Act,

Amendment of section 10 of Mysore Act III of 1903.

(1) in sub-section (1), for the words "one thousand rupees" and figure "1,000", the words "five thousand rupees" and figure "5,000" shall be substituted;

(2) in sub-section (2), the words "two other trustees" shall be omitted; and for the figure "1,000", the figure "5,000" shall be substituted;

(3) after sub-section (2), the following sub-sections shall be inserted, namely :—

"(2-A) Every estimate for the expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of,

(*a*) the Chairman, if the contract or agreement in respect of such expenditure was entered into by him under sub-section (1);

(*b*) the Board, if the contract or agreement in respect of such expenditure was entered into under sub-section (2) and the value or amount of the contract or agreement does not exceed fifteen thousand rupees;

(*c*) the Government, if the contract or agreement in respect of such expenditure was entered into under sub-section (2) and the value or amount of the contract or agreement exceeds fifteen thousand rupees.

(2-B) Sub-sections (1), (2) and (2-A) shall apply to every variation or abandonment of a contract, agreement or estimate, as well as to an original contract, agreement or estimate."

(4) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix it to any contract or other instrument".

Amendment of section 12 of Mysore Act III of 1903.

11. After clause (3) of section 12 of the said Act, the following clause shall be inserted, namely :—

"(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;"

Insertion of new section 12-A in Mysore Act III of 1903.

12. After section 12 of the said Act, the following section shall be inserted, namely:—

Delegation of Chairman's powers.

"12-A. (1) The Chairman may, with the approval of the Government, by general or special order in writing, delegate to any officer of the Board, any of the

Chairman's powers, duties or functions under this Act or any rule made thereunder, except those conferred or imposed upon or vested in him by sections 9, 12, 28, 32 and 45:

Provided that—

(*a*) such delegation shall specify the name or official designation of the person to whom the delegation is made;

(*b*) the Chairman shall not delegate his power under section 10 to make, on behalf of the Board, any contract involving an expenditure exceeding three thousand rupees;

(*c*) the Chairman shall not delegate his power under section 35 to make appointments to offices carrying a salary of more than fifty rupees per mensem;

(*d*) the Chairman shall not delegate to any officer any of his powers under section 35, in respect of any employee of the Board, unless such employee was appointed by such officer by virtue of a delegation of the Chairman's power of appointment under that section.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1), shall be subject to such restrictions, conditions and limitations (if any) as may be laid down by the Chairman, and shall also be subject to his control and revision."

13. For section 14 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 14 of Mysore Act III of 1903.

"14. (1) The Board may, subject to the control of the Government, Power of Board to undertake works and incur expenditure for improvement, etc.

(*a*) draw up detailed schemes (hereinafter referred to as "improvement schemes") for the improvement or expansion or both of the areas to which this Act applies;

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also frame and carry out any improvement scheme on an official representation by the

Municipal Council, provided that the necessary money for framing and carrying out any such scheme is paid to the Board by the Municipal Council.

(3) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any other scheme or works and execute it subject to such terms and conditions as may be specified by the Government".

Amendment of section 15 of Mysore Act III of 1903.

14. In sub-clause (*c*) of clause (1) of section 15 of the said Act, the words "and lighting" shall be omitted.

Amendment of section 16 of Mysore Act III of 1903.

15. In section 16 of the said Act,

(1) in sub-section (1), for the words "land proposed to be acquired", the words "land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee" shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) During the thirty days next following the day on which such notification is published in the *Mysore Gazette*, the Board shall serve a notice on every person whose name appears in the assessment list of the Municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice, stating whether the person so served dissents or not, to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent."

Amendment section 18 of Mysore Act III of 1903.

16. In clause (*b*) of sub-section (2) of section 18 of the said Act, for the letters and figure "Rs. 2,500", the words "ten thousand rupees" shall be substituted.

17. After section 18 of the said Act, the following sections shall be inserted, namely :—

Insertion of new sections 18-A, 18-B, 18-C, 18-D, 18-E, 18-F, 18-G, 18-H, 18-I, 18-J and 18-K in Mysore Act III of 1903.

Payment of betterment fee.

"18-A. (1) When by the making of any improvement scheme, any land in the area comprised in the scheme, which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest there in respect of the increase in value of the land resulting from the execution of the scheme.

Assessment of betterment fee by the Board.

(2) Such increase in value shall be the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-half of such increase in value.

18-B. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that, for the purpose of determining such fee, the execution of the scheme shall be deemed to have been completed and shall, thereupon, give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 18-A.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment, from the Board, in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

Settlement of betterment fee by arbitrator.

18-C. (1) If the Government are satisfied after such inquiry as they think fit that any arbitrator appointed under sub-section (4) of section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award may, within three months from the date of the communication thereof, appeal to the District Judge, Mysore Division, whether the case arises within or outside the limits of the City, and the decision of the said District Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

18-D. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Powers and duties of arbitrator.

18-E (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate his award to the parties concerned:

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1911, for the purpose of taking evidence on oath and of enforcing the

attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Board to give notice to persons liable to payment of betterment fee.

18-F. When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing, to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of six per cent per annum upon any amount outstanding shall be payable from that date.

Agreement to make payment of betterment fee a charge on land.

18-G. (1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of six per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 18-F.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1) be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at six per cent per annum up to the date of such payment.

(5) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (1), no suit with respect to such agreement shall be

brought against the Board by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

Recovery of money payable in pursuance of section 18-B, 18-C or 18-G.

18-H. All money payable in respect of any land by any person in respect of a betterment fee under section 18-B or section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realization at the rate of six per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the Mysore City Municipalities Act, 1933, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Board to appoint persons for enforcement of processes for recovery of dues.

18-I. The Board may direct by what authority any powers or duties incident under the Mysore City Municipalities Act, 1933, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under section 18-H.

Agreement of payment not to bar acquisition under a fresh declaration.

18-J. If any land in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 18-B, or has been made after its determination under section 18-C or in respect of which an agreement in regard to the betterment fee has been executed under section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Mysore Land Acquisition Act, 1894.

Power of Board to take up works for further improvement.

18-K. Notwithstanding anything contained in any other provisions of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area.

The expenditure incurred or proposed to be incurred or such portion thereof, as may be determined by the Board

and approved by the Government in carrying out such works, may be recovered by a pro-rata levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act."

18. In section 19 of the said Act, for the word "councillors" wherever it occurs, the word "council" shall be substituted.

Amendment of section 19 of Mysore Act III of 1903.

19. Section 20-A of the said Act, shall be renumbered as section 20-B and before that section as renumbered, the following section shall be inserted, namely :—

Insertion of a new section before section 20-A.

"20-A. (1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification :—

Board and Chairman to exercise powers and functions under the Mysore City Municipalities Act, 1933.

(i) the powers and functions of the municipal council or a committee thereof under the Mysore City Municipalities Act, 1933, shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the Municipal Council under the said Act, shall be exercised and discharged by the Chairman.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the municipal council or any committee thereof or the Commissioner of the Municipal Council, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control, as may be laid down by the Board or the Chairman, as the case may be."

Amendment of section 21 of Mysore Act III of 1903.

20. In section 21 of the said Act,—

(1) in sub-section (1), for the words "The President of the Municipal Council" and "his opinion," the words "The Government after consulting the Municipal Council" and "their opinion" shall, respectively, be substituted; and for the word "Councillors", the word "Council" shall be substituted;

(2) in sub-section (2), for the word "Councillors," the word "Council" shall be substituted.

Insertion of new sections 21-A, 21 B and 21-C in Mysore Act III of 1903.

21. After section 21 of the said Act, the following sections shall be inserted, namely :—

Making of new private extensions, lay-outs or streets.

"21-A. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify.

(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars :—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces;

(*b*) the intended level, direction and width of the streets;

(*c*) the street alignment and the building line, and the proposed sites abutting the streets;

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water-supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall, either sanction the forming of the extension or lay-out or making of the street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains culverts, under-ground drainage and water-supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water-supply mains and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board;

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3); or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open;

(iv) the lay-out, in the opinion of the Board, cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or make the street, until orders have been passed by the Board after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Board has received all the information which it considers

necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2) or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street, but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions of sub-section (1) or makes any street without or otherwise than in conformity with the orders of the Board under this section, shall be liable on conviction, to a fine which may extend to one thousand rupees.

Alteration or demolition of extension, lay-out or s reet.

21-B. (1) If any person forms an extension or lay-out or makes any street referred to in section 21-A or puts up any building without or otherwise than in conformity with the orders of the Board under section 21-A, the Chairman may, whether or not the offender be prosecuted under this Act, by notice:—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or street, should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the Chairman, either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street, should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, lay-out or street.

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21-C. (1) The Chairman may,

Power of Chairman to order work to be carried out or to carry it out himself in default.

(*a*) if any person who applied for permission under section 21-A and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street does not so carry it out; or

(*b*) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the buildings, to carry out any work which, in his opinion, may be necessary and within such time, as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed, and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1), in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue."

Amendment of section 24 of Mysore Act III of 1903.

22. In section 24 of the said Act, for the word "Councillors", the word "Council" shall be substituted.

Amendment of section 26 of Mysore Act III of 1903.

23. In section 26 of the said Act, for the word "Councillors", the word "Council" shall be substituted.

Amendment of section 28 of Mysore Act III of 1903.

24. In section 28 of the said Act, for the words "May" and "July", the words "February" and "April" shall respectively be substituted.

Amendment of section 30 of Mysore Act III of 1093.

25. In the last sentence of section 30 of the said Act, after the words "A copy of the estimate", the words "as sanctioned by the Government" shall be inserted.

Amendment of section 32 of Mysore Act III of 1903.

26. In section 32 of the said Act, for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 35 of Mysore Act III of 1903.

27. In sub-section (1) of section 35 of the said Act, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted, and the following proviso shall be added, namely :—

"Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officers belong".

Amendment of sections 37 and 38 of Mysore Act III of 1903.

28. In section 37 and 38 of the said Act, for the word "Councillors", the word "Council" shall be substituted.

Amendment of section 39 of Mysore Act III of 1903.

29. In sub-section (1) of section 39 of the said Act, after clause (*e*), the following clause shall be inserted, namely :—

"(*e-i*) for the forming of extensions or lay-outs and the laying-out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon;"

Insertion of new section 44-A in Mysore Act III of 1903.

30. After section 44 of the said Act, the following section shall be inserted, namely :—

Duties of police officers.

"44-A. It shall be the duty of every police officer,

(*a*) to communicate without delay to the proper officer of the Board, any information which he receives of the design to commit or of the commission of any offence under this Act or any rule or bye-law made under it;

(*b*) to assist the Chairman or any officer or servant of the Board or any person to whom the Chairman has lawfully delegated powers, reasonably demanding

his aid for the lawful exercise of any power vesting in the Chairman or such officer or servant of the Board or person under this Act or any such rule or bye-law; and for all such purpose, he shall have the same powers which he has in the exercise of his ordinary police duties."

31. In section 45 of the said Act, for the words "All sums due", the words, figure and letter "Save as otherwise provided in section 18-H all sums due" shall be substituted. Amendment of section 45 of Mysore Act III of 1903.

32. In sub-section (1) of section 46 of the said Act after the words "purporting to have been done" the words "for and on behalf of the Board" shall be inserted. Amendment of section 46 of Mysore Act III of 1903.

Statement of Objects and Reasons.

The City of Mysore Improvement Act was passed in the year 1903. Although the Act has since been amended in certain respects, experience of its working has revealed a number of defects which hamper effective administration and the need is felt to revise some of the provisions and also to include certain desirable provisions. The Act also requires to be brought in line with the Mysore City Municipalities Act, 1933, in the interest of uniformity of wording and expressions. This Bill is intended to secure these objects, and while effecting necessary modifications and additions, the general frame work of the Act has been kept in tact. Advantage has also been taken to incorporate the more important provisions of the Madras City Improvement Trust Act, 1945, with such modifications as are suited to local conditions.

The following notes on clauses will briefly explain the main clauses of this Bill:—

Notes on Clauses.

Clause 9.—Enables the Board to associate with the Committees constituted under the Act any person or persons (other than trustees) whose advice may be desired.

Clause 10.—The maximum limit of the amount of estimate or contract which the Chairman can sanction or execute has been enhanced from Rs. 1,000 to Rs. 5,000 and that of the Board from Rs. 5,000 to Rs. 15,000 and for amounts exceeding Rs. 15,000 the sanction of the Government is necessary.

Clause 11.—The Chairman is enjoined to carry out and execute schemes or works sent by the Government and to incur necessary expenditure therefor.

Clause 12.—Empowers the Chairman to delegate, with the approval of the Government, certain specified powers and duties conferred or imposed on him under the Act to any of the Officers of the Board.

Clause 13.—Vests power in the Board to take up improvement schemes on an official representation by the City Municipal Council, Mysore, provided the Municipal Council furnishes the necessary funds for the scheme.

Clause 17.—Introduces new provisions for the assessment and payment of betterment fee in respect of any land on account of the increase in the value of the land resulting from the execution of the improvement scheme and for the settlement of the betterment fee payable, by an arbitrator. The new section 18-B vests power in the Board to take up works for further improvement and to recover the expenditure incurred for the purposes on a *pro-rata* basis.

Clause 19.—Enables the Government in respect of a notified area, to empower the Board and the Chairman to exercise certain powers and functions of the Municipal Council and the Commissioner respectively under the Mysore City Municipalities Act, 1933.

Clause 21.—Regulates the forming of private extensions, lay-outs or streets under certain specified conditions.

Clause 30.—Imposes a duty on the police officers to furnish information in regard to the commission of any offence under the Act.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

2.2.2

NOTIFICATION.

No. L. D. 1148, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, the City of Bangalore Municipal Corporation (Amendment) Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE CITY OF BANGALORE MUNICIPAL CORPORATION (AMENDMENT) BILL, 1951.

A Bill further to amend the City of Bangalore Municipal Corporation Act, 1949.

WHEREAS it is expedient further to amend the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the City of Bangalore Municipal Corporation (Amendment) Act, 195- . Short title and commencement.

(2) It shall come into force at once.

2. In section 3 of the City of Bangalore Municipal Corporation Act, 1949, (hereinafter referred to as the said Act), after clause (18), the following clause shall be inserted namely:— Amendment of section 3 of Mysore Act LXIX of 1949.

"(18-*a*) 'Government' means the State Government;"

3. In section 5 of the said Act,— Amendment of section 5 of Mysore Act LXIX of 1949.

(1) in sub-section (1), clause (*d*) shall be relettered as clause (*e*) and after clause (*c*), the following clause shall be inserted, namely:—

"(*d*) three councillors who shall be elected by such associations or corporate bodies and in such manner as may be notified by the Government in the *Mysore Gazette*.;"

(2) in sub-section (2), for the words, brackets and letters, "clauses (*a*), (*b*) and (*c*)", the words, brackets and letters "clauses (*a*), (*b*), (*c*) and (*d*)" shall be substituted.

4. In sub-section (1) of section 6 of the said Act, for the word "five", the word "six" shall be substituted, and after clause (v), the following clause shall be added, namely:— Amendment of section 6 of Mysore Act LXIX of 1949.

"(vi) education."

Amendment of section 20 of Mysore Act LXIX of 1949.

5. To sub-section (1) of section 20 of the said Act, the following proviso shall be added, namely :—

"Provided that no regulation framed by the corporation under this sub-section shall have effect unless it is approved by the Government."

Insertion of new section 22-A in Mysore Act LXIX of 1949.

Decisions of Standing Committees to be approved by Corporation.

6. After section 22 of the said Act, the following section shall be inserted, namely :—

"22-A. No decision of a Standing Committee shall have effect unless it is approved by a resolution of the corporation."

Amendment of section 23 of Mysore Act LXIX of 1949.

7. In section 23 of the said Act, in sub-section (1), the words "but the corporation shall not be entitled to exercise functions expressly assigned by or under this Act or any other law for the time being in force to a Standing Committee or the Commissioner", and sub-section (2) shall be omitted.

Amendment of section 26 of Mysore Act LXIX of 1949.

8. Section 26 of the said Act shall be numbered as sub-section (1) of the said section and after the section as so numbered the following sub-section shall be added namely :—

"(2) Without prejudice to the provisions of sub-section (1), the corporation may make provision in the annual budget for serving light lunch at the meetings of the corporation and the Standing Committees."

Amendment of section 42 of Mysore Act LXIX of 1949.

9. In sub-section (1) of section 42 of the said Act, for the words "first day of July", the words "first day of April" shall be substituted ; and for the words "first day of July", wherever they occur in the said Act, the words "first day of April" shall be substituted.

Amendment of section 47 of Mysore Act LXIX of 1949.

10. In section 47 of the said Act, at the end of the proviso to sub-section (2), the words "and the order of the Government thereon shall be final" shall be added and sub-section (3) shall be omitted.

11. In sub-section (1) of section 58 of the said Act, for the words "His Highness the Maharaja" where they occur for the first time, the words "the Constitution" shall be substituted; for the words "solemnly $\frac{\text{swear}}{\text{affirm}}$ that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, his heirs and successors", the words $\frac{\text{"swear in the name of God}}{\text{solemnly affirm}}$ that I will bear true faith and allegiance to the Constitution of India" shall be substituted, and for the word "duties", the word "duty" shall be substituted; Amendment of section 58 of Mysore Act LXIX of 1949.

12. In section 70 of the said Act, for the figure "70", the figure "69" shall be substituted. Amendment of section 70 of Mysore Act LXIX of 1951.

13. After sub-section (5) of section 73 of the said Act, the following sub-section shall be added, namely :— Amendment of section 73 of Mysore Act LXIX of 1949.

"(6) Notwithstanding anything contained in the foregoing provisions of this section no property whether moveable or immoveable exceeding five thousand rupees in value shall be sold or otherwise transferred and no property shall be granted free of cost or at an upset price except with the previous sanction of the Government."

14. In sub-section (2) of section 77 of the said Act, for the words "twenty-five thousand rupees", the words "ten thousand rupees" shall be substituted.; Amendment of section 77 of Mysore Act LXIX of 1949.

15. In section 78 of the said Act,— Amendment of section 78 of Mysore Act LXIX of 1949.

(1) in sub-section (1) for the words "twenty-five thousand rupees", the words "ten thousand rupees", shall be substituted;

(2) in clause (*a*) of sub-section (2), for the words "one lakh of rupees", the words "twenty-five thousand rupees" shall be substituted.

16. Section 89 of the said Act shall be numbered as sub-section (1) of that section and after the section as so numbered, the following sub-section shall be added, namely :— Amendment of section 89 of Mysore Act LXIX of 1949.

"(2) Notwithstanding anything contained in any other provision of this Act, no appointment to any office under the corporation, the maximum monthly salary of

which is not less than two hundred and fifty rupees, shall be made except with the previous sanction of the Government."

Amendment of section 97 of Mysore Act LXIX of 1949.

17. In section 97 of the said Act, after clause (*e*), the following clause shall be inserted, namely :—

"(*f*) a toll on vehicles entering the corporation limits ;" and the existing clauses (*f*) and (*g*) shall be re-lettered as clauses (*g*) and (*h*) and the existing clause (*h*) shall be omitted.

Amendment of section 101 of Mysore Act LXIX of 1949.

18. In section 101 of the said Act,

(1) in clause (*h*) the words "being neither building, nor land" shall be omitted ;

(2) after clause (*i*), the following clause shall be inserted, namely :—

"(*j*) buildings belonging to the Government or the Government of India ;" and the existing clause (*j*) shall be relettered as clause (*k*).

Amendment of section 142 of Mysore Act LXIX of 1949.

19. In section 142 of the said Act, for the words "on instruments of sale and gift", the words "on all instruments of transfer of immoveable property by sale, gift, mortgage or otherwise" shall be substituted, and for the words "sale or gift" in the proviso, the words "sale, gift, mortgage or otherwise" shall be substituted.

Amendment of section 167 of Mysore Act LXIX of 1949.

20. In sub-section (1) of section 167 of the said Act, after the word "Government", the words "for approval" shall be added.

Statement of Objects and Reasons.

The City of Bangalore Municipal Corporation Act, 1949, is based mainly on the Madras City Municipal Act, 1919. The working of the State Act during the short period, has disclosed certain defects with the result that it has become necessary to suitably amend the Act. The present Bill has been brought to remedy the said defects and to provide for other consequential amendments.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L. D. 1149, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules the Mysore Restriction of Meetings near the Legislative Assembly, Bill, 1951, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE RESTRICTION OF MEETINGS NEAR THE LEGISLATIVE ASSEMBLY BILL, 1951.

A Bill to provide for restriction of meetings, assemblies and processions near the State Legislative Assembly.

WHEREAS it is expedient for the undisturbed conduct of business of the State Legislative Assembly to restrict meetings, assemblies and processions of persons near the place of meeting of the Legislative Assembly; **Preamble.**

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Restriction of Meetings near the Legislative Assembly Act, 195 . **Short title, extent and commencement.**

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. (1) Notwithstanding anything contained in any law for the time being in force, on any day on which the State Legislative Assembly meets, no person shall, convene, or give any notice for convening, or take part in, any meeting, assembly or procession consisting of fifty or more persons, in any street, square or open place, within a distance of half a mile from the place of meeting of the State Legislative Assembly for the purpose or on the pretext of considering, preparing or submitting any petition, complaint, remonstrance, declaration or other address to the Rajpramukh or to the State Legislative Assembly for the regulation or alteration of any matters of State: **Restriction on meetings, assemblies and processions near place of Legislative Assembly sessions.**

Provided that nothing in this section shall apply to any meeting, assembly or procession convened or held with the previous permission of the State Government.

(2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment which may extend to six months or with fine or with both.

Statement of Objects and Reasons.

In order to ensure the undisturbed conduct of business in the Legislative Assembly, it is desirable to restrict meetings and processions convened for purposes of making representations to the Assembly.

Hence the Bill.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 1150, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The Mysore Civil Courts (Amendment) Bill, 1951, together with Statement of objects and Reasons, is published for general information.

THE MYSORE CIVIL COURTS (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Civil Courts Act, 1883.

WHEREAS it is expedient further to amend the Mysore Civil Courts Act, 1883, (Mysore Act I of 1883), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Civil Courts (Amendment) Act, 195 . Short title and commencement.

(2) It shall come into force at once.

2. In section 13 of the Mysore Civil Courts Act, 1883, (hereinafter referred to as the said Act) for the figure "3,000", the figure "10,000" shall be substituted. Amendment of section 13 of Mysore Act I of 1883.

3. To section 15 of the said Act, the following proviso shall be added, namely:— Amendment of section 15 of Mysore Act I of 1883.

"Provided that notwithstanding anything contained in any law for the time being in force, except by special leave of the High Court, no second appeal shall lie—

(i) in a suit for money or in a suit on a simple mortgage when the amount or value of the subject matter of the suit does not exceed Rs. 2,000;

(ii) in a suit for possession of a house or garden land, or unassessed land or any interest therein when the market value of the subject matter on the date of presenting the plaint does not exceed Rs. 1,000;

(iii) in a suit for possession of land or any interest therein other than those specified in clause (ii) when the total annual assessment does not exceed Rs. 8;

Substitution of new section for section 22 of Mysore Act I of 1883.

4. For section 22 of the said Act, the following section shall be substituted, namely :—

Vacations.

"22. (1) In addition to public holidays authorised by the State Government, the civil courts subordinate to the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter.

(2) The total number of days in all the said three vacations shall not exceed sixty days and the period of each vacation in each year shall be fixed by the Chief Justice."

Application of Act to pending suits and appeals.

5. The provisions of sections 13 and 15 of the Mysore Civil Courts Act, 1883, as amended by sections 2 and 3 of this Act shall apply to all suits and appeals pending in any civil court subordinate to the High Court on the date of commencement of this Act.

Statement of Objects and Reasons.

The High Court Arrears Committee presided over by the Hon'ble Mr. Justice S. R. Das of the Supreme Court made certain suggestions to bring down arrears in High Courts. The Committee recommended *inter alia* that—

(1) in all original suits tried by the Subordinate or Civil Judge where the valuation of a suit does not exceed Rs. 10,000 an appeal should lie to the District Judge and not to the High Court,

(2) no second appeal should lie to the High Court in a suit for recovery of money, valued at Rs. 2,000 or below or for recovery of immovable property of the value of Rs. 1,000 or below except by special leave of the High Court.

The arrears of work in the High Court of Mysore are heavy and are on the increase. It is therefore considered that the effective way to tackle the problem would be by giving immediate effect to the above recommendations of the Das Committee. This entails amendment of sections 13 and 15 of the Mysore Civil Courts Act, 1883 and by clauses 2 and 3 the necessary amendments have been made.

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At present under section 22 of the Act, the High Court can permit vacations for subordinate civil courts for a period not exceeding six weeks in each year. In Madras the period is fixed at sixty days in each year and the High Court have recommended that it is necessary to fix the same number of days for vacations of civil courts in the State during Summer, Dasara and Winter. Clause 4 of the Bill is intended to give effect to this recommendation.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

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No. L.D. 1151, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Suits Valuation Bill, 1951, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE SUITS VALUATION BILL, 1951.

A Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto.

WHEREAS it is expedient to prescribe the mode of valuing suits for the purpose of determining the jurisdiction of courts with respect thereto; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Suits Valuation Act, 195 . Short title and commencement.

(2) It shall come into force at once.

PART I.

SUITS RELATING TO LAND.

2. This part shall extend to such local areas, and come into force therein on such dates as the State Government may, by notification in the *Mysore Gazette*, appoint. Extent and commencement of Part I.

3. (1) The State Government may make rules for determining the value of the land for purposes of jurisdiction in the suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs v and vi and paragraph x, clause (d). Power for State Government to make rules determining value of land for jurisdictional purposes.

(2) The rules may determine the value of any class of land, or of any interest in land in the whole or any part of a local area and may prescribe different values for different places within the same local area.

Valuation of relief in certain suits relating to land not to exceed the value of the land.

4. Where a suit mentioned in the Mysore Court Fees Act, 1900, section 4, paragraph (iv), or Schedule II, article 11, relates to land or an interest in land of which the value has been determined by rules under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

Making and enforcement of rules.

5. (1) The State Government shall, before making rules under section 3, consult the High Court with respect thereto.

(2) A rule under the section shall not take effect till the expiration of one month after the rule has been published in the *Mysore Gazette*.

Repeal of section 11 of the Mysore Act I of 1883.

6. On and from the date on which rules under section 3 take effect in any local area, section 11 of the Mysore Civil Courts Act, 1883, shall stand repealed as regards that local area.

PART II.

OTHER SUITS.

Extent and commencement of Part II.

7. This part extends to the whole of the State of Mysore and shall come into force on the first day of July, 1951.

Court-fee value and jurisdictional value to be the same in certain suits.

8. Wherein suits other than those referred to in the Mysore Court Fees Act, 1900, section 4, paragraphs v, vi and ix, and paragraph x, clause (d), court-fees are payable *ad valorem* under the Mysore Court Fees Act, 1900, the value as determinable for the computation of court-fees and the value of purposes of jurisdiction shall be the same.

Determination of value of certain suits by High Court.

9. When the subject matter of suits of any class, other than suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs v and vi, and paragraph x, clause (d) is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the previous sanction of the State Government, direct that suits of that class shall, for the purposes of the Mysore Court Fees Act, 1900, and of this Act and

any other enactment for the time being in force, be treated as if their subject matter were of such value as the High Court thinks fit to specify in this behalf.

PART III.

SUPPLEMENTAL PROVISIONS.

Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.

10. (1) Notwithstanding anything in section 99 of the Code of Civil Procedure, 1908, an objection that by reason of the over-valuation or under-valuation of a suit or appeal a court of first instance or lower appellate court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate court unless—

(*a*) the objection was taken in the court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate court in the memorandum of appeal to that court, or

(*b*) the appellate court is satisfied for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (a) of sub-section (1), but the appellate court is not satisfied as to both the matters mentioned in clause (b) of that sub-section, and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the court of first instance or lower appellate court.

(3) If the objection was taken in that manner and the appellate court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate court shall, so far as they can be made applicable, apply to a court exercising revisional jurisdiction

under section 115 of the Code of Civil Procedure, 1908, or other enactment for the time being in force.

(5) This section extends to the whole of the State of Mysore and shall come into force on the first day of July, 1951.

Proceedings pending at commencement of Part I or Part II.

11. Nothing in Part I or Part II shall be construed to affect the jurisdiction of any court,—

(*a*) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, or Part II has come into force, as the case may be, or

(*b*) with respect to any appeal arising out of any such suit.

Statement of Objects and Reasons.

By the Mysore Civil Courts (Amendment) Bill, it is proposed to enhance the appellate jurisdiction of District Courts and to abolish second appeals to the High Court in respect of suits for recovery of immoveable property when the amount or value of the original suit does not exceed Rs. 1,000.

Under section 11 of the Mysore Civil Courts Act, 1883, when the subject matter of any suit or proceeding is land, a house or a garden, its value for purposes of jurisdiction should be fixed in the manner provided by the Mysore Court Fees Act, 1900. According to section 4 of the latter Act, where the subject matter is land, its value is assessed at twenty times the land revenue payable where the land revenue is settled permanently and ten times the land revenue where the land revenue is not settled permanently. Although the price of land has risen considerably in recent times, the land revenue payable thereon has remained almost stationary. Consequently when section 15 of the Civil Courts Act is amended, no second appeal will ordinarily lie to the High Court unless the revenue payable on the land which is the subject matter of the suit is more than Rs. 50 in cases where the revenue is settled permanently or Rs. 100 in cases where the revenue is not settled permanently, although the market value of the land may be much more than Rs. 1,000. Similarly, by the enhancement of appellate jurisdiction of the District Courts, no first appeal will lie to the High Court in

respect of suits relating to land unless the revenue payable is more than Rs. 500 in cases where the revenue is settled permanently or Rs. 1,000 where the revenue is not settled permanently, whatever the market value of the land may be. In order to mitigate the hardship on this account, it is considered desirable to enact a law to regulate valuation of suits on the lines of the Central Suits Valuation Act. Hence the Bill.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

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No. L.D. 1152, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The Mysore Excise (Amendment) Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE MYSORE EXCISE (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Excise Act, 1901.

WHEREAS it is expedient further to amend the Mysore Excise Act, 1901, (Mysore Act V of 1901), for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows.—

1. (1) This Act may be called the Mysore Excise (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. After clause (1) of section 3 of the Mysore Excise Act, 1901, (hereinafter referred to as the said Act), the following clause shall be inserted, namely:— Amendment of section 3 of Mysore Act V of 1901.

"(1-A) 'Government' means the State Government";

3. For section 13-A of the said Act, the following section shall be substituted, namely:— Substitution of a new section for section 13-A of Mysore Act V of 1901.

"13-A. Notwithstanding anything contained in section 13, the Government may, by notification in the *Mysore Gazette*, prohibit the possession by any individual or class or body of individuals or the public generally either throughout the State of Mysore or in any local area, of any liquor or intoxicating drug either absolutely or subject to such conditions as may be prescribed." Prohibition of possession of any liquor or intoxicating drug.

Statement of Objects and Reasons.

Section 13-A of the Excise Act, 1901, vests power in the Government to prohibit, by notification, the possession by any person or class of persons either throughout the

whole of Mysore or in any local area of any liquor or intoxicating drug either absolutely or subject to such conditions as may be prescribed. While examining a notification issued in pursuance of this section, the words "by any person or class of persons" occurring therein have been interpreted to mean a person designated by name or by description or a class of persons designated, but not as including the public generally. In view of this judicial interpretation, it is considered necessary to clarify the wording of the section on the lines of similar changes effected in the Bombay Abkari Act.

This Bill is intended to secure this object.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 1153, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The Mysore Cattle Trespass (Amendment) Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE CATTLE TRESPASS (AMENDMENT) BILL, 1951.

A Bill further to amend the Cattle Trespass Act, 1871.

WHEREAS it is expedient further to amend the Cattle Trespass Act, 1871, (Mysore Act I of 1871) for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Cattle Trespass (Amendment) Act, 195 . Short title and commencement.

(2) It shall come into force at once.

2. For section 12 of the Cattle Trespass Act, 1871, the following section shall be substituted namely :— Substitution of a new section for section 12 of Mysore Act I of 1871.

" 12. For every head of cattle impounded as aforesaid the pound-keepers shall levy a fine in accordance with the scale for the time being prescribed by the State Government in this behalf by notification in the *Mysore Gazette*. Different scales may be prescribed for the different local areas. Fines for cattle impounded.

All fines so levied shall be sent to the Magistrate of the District through such officer as the State Government may direct.

A list of the fines and of the rates of charge for feeding and watering cattle shall be posted in a conspicuous place on or near to every pound."

Statement of Objects and Reasons.

Section 12 of the Cattle Trespass Act, 1871, prescribes the rates of fine which shall be levied by a pound-keeper on the heads of cattle impounded in a cattle pound. It has

been urged that the existing rates are too inadequate to prevent effectively considerable losses of food crops which are caused by stray cattle during crop season and that in the interests of the Grow More Food Scheme, this menace to food crops needs to be combated by providing for the levy of such higher rates as are likely to have sufficient deterrent effect. The State Government are in full agreement with this suggestion and in order to obviate the procedure of resorting to amend the Act every time a change is contemplated in the rates, it is proposed to take power, as has been provided in the Central Act, to prescribe rates by means of a notification. This Bill is intended to achieve this object.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L. D. 1154, Bangalore, dated, 14th March 1951.

Under Rule 38 of the Mysore Legislative Rules, The Mysore University (Amendment, Bill, 1951, together with statement of objects and Reasons, is published for general information.

THE MYSORE UNIVERSITY (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore University Act, 1933.

WHEREAS it is expedient further to amend the Mysore University Act, 1933, (Mysore Act III of 1933), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore University (Amendment) Act, 195 . Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 13 of the Mysore University Act, 1933, (hereinafter referred to as the said Act), Amendment of section 13 of Mysore Act III of 1933.

(i) for clause (*h*) the following clause shall be substituted, namely :—

"(*h*) Eight members elected by and from the Legislative Assembly;"

(ii) clause (*i*) shall be omitted, and

(iii) clauses (*j*), (*k*) and (*l*) shall be relettered as clauses (*i*), (*j*) and (*k*) respectively;

3. To section 19 of the said Act, the following sub-section shall be added, namely :— Amendment of section 19 of Mysore Act III of 1933.

"(3) Notwithstanding anything contained in the preceding sections of this Act or in any Statute made thereunder, the State Government may, by notification in the *Mysore Gazette*, and for reasons to be set forth in the notification, extend the term of any Senate, Council, Academic Council, Faculty or other authority of the University constituted under this Act or under any Statute, to such term not exceeding four years in the aggregate."

Statement of Objects and Reasons.

According to section 13 of the Mysore University Act, 1933, the Legislative Council and the Representative Assembly could elect four and eight members respectively, to the University Senate. In order to enable the Legislative Assembly to elect members to the Senate, this section is proposed to be amended.

It is proposed to reorganise the University under a new enactment and it will take some time before the Bill sponsored for this purpose is passed into law. Meanwhile since the terms of the Senate and other University authorities are due to expire on the 30th June and it is considered desirable to reconstitute these bodies under the new enactment, it is proposed to take power to extend the term of these bodies such term not exceeding one year in the aggregate. Section 19 of the Act is proposed to be amended for this purpose. Hence this Bill.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 1155, Bangalore, dated 14th March 1951

Under Rule 36 of the Mysore Legislative Rules, The Mysore Inam Villages (Abolition of Inam Tenure) Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE MYSORE INAM VILLAGES (ABOLITION OF INAM TENURE) BILL, 1951.

A Bill to provide for the abolition of inam tenure of inam villages in the State of Mysore.

WHEREAS it is expedient to provide for the abolition of inam tenure of inam villages in the State of Mysore and for other matters connected therewith: Preamble.

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY.

1. (1) This Act may be called the Mysore Inam Villages (Abolition of Inam Tenure) Act, 195 . Short title, extent, application and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It applies to all inam villages in the State including the Sringeri and Yelandur Jahagirs.

(4) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Definition.

(1) all words and expressions defined in the Land Revenue Code shall have the same respective meanings as in that Code with the modifications, made by this Act;

(2) "Appellate Tribunal" means the Appellate Tribunal constituted under section 30;

(3) "date of vesting" means, in relation to an inam village vested in the State, the date of publication in the *Mysore Gazette* of the notification under sub-section (1) of section 3 in respect of such inam village;

(4) "Deputy Commissioner" includes any officer authorised by the State Government by notification in the *Mysore Gazette* to exercise the powers of a Deputy Commissioner under this Act;

(5) "Government" means the State Government;

(6) "inamdar" means a person holding in trust or owning for his own benefit an inam village and includes the successors in interest of an inamdar, and

(i) where an inamdar is a minor or of unsound mind or an idiot, his guardian, committee or other legal curator;

(ii) where an inamdar is a joint Hindu family, such joint Hindu family;

(7) "Inam village" means an alienated village whether Sarvamanya, Jodi or Khayamgutta;

(8) "Kadim tenant" means a tenant as defined in section 84 of the Land Revenue Code;

(9) "Khas possession" used with reference to the possession of an inamdar of an inam village of any land used for agricultural or horticultural purposes means the possession of such inamdar by cultivating such land or carrying on horticultural operations thereon himself with his own stock or by his own servants or by hired labour or with hired stock, continuously for a period of not less than six years prior to the first day of July, 1948;

Explanation:—"Land used for horticultural purposes" means land used for the purpose of growing fruits, flowers or vegetables.

(10) "Land Revenue Code" means the Mysore Land Revenue Code, 1888;

(11) "minor inam" means an alienated holding other than an inam village, situated in an inam village;

(12) "notification" means a notification published in the *Mysore Gazette*;

(13) "permanent tenant" means a person who either under section 79 of the Land Revenue Code or otherwise is entitled to a tenancy in respect of any land used for agricultural or horticultural purposes, the duration of which is co-extensive

with the duration of the tenure of the inamdar of the inam village;

(14) "prescribed" means prescribed by rules made by the Government under this Act;

(15) "quasi-permanent tenant" means a person who has been in continuous possession of any land used for agricultural or horticultural purposes in an inam village by cultivating such land or carrying on horticultural operations thereon himself with his own stock or by his hired servants or by hired labour or with hired stock on payment of rent to the inamdar for a period of not less than six years prior to the first day of July, 1948;

(16) "Special Tribunal" means a Special Tribunal constituted under section 29.

CHAPTER II

VESTING OF AN INAM VILLAGE IN THE STATE AND ITS CONSEQUENCES.

Notification vesting an inam village in the State.

3. (1) The Government may from time to time, by notification, declare that any inam village specified in notification, has passed to and become vested in the State.

(2) The notification under sub-section (1) shall be published in the *Mysore Gazette* in English and Kannada and such publication shall be conclusive proof of the due publication thereof.

Consequences of the vesting of an inam village in the State.

4. Notwithstanding anything contained in any contract grant or other instrument or in any other law for the time being in force, with effect on and from the date of vesting, and save as otherwise expressly provided in this Act, the following consequences shall ensue, namely:—

(*a*) the provisions of the Land Revenue Code relating to alienated villages shall be deemed to have been repealed in their application to the inam village;

(*b*) the entire inam village (including all communal lands, cultivated lands, uncultivated lands, whether assessed or not, waste lands, pasture lands, forests; mines and minerals, quarries; rivers and streams; tanks and irrigation works; fisheries and ferries) shall vest absolutely in the State of Mysore,

free from all encumbrances; and the provisions of the Land Revenue Code and all other enactments applicable to unalienated villages shall apply to the said village;

(c) the inamdar shall cease to have any interests in the inam village other than the interests expressly saved by or under the provisions of this Act;

(d) all arrears of rent or land revenue, including royalties, and all cesses together with interest, if any, due thereon for any period prior to the date of vesting, which were recoverable in respect of the inam village and the recovery of which was not barred by any law of limitation shall vest in, and be recoverable by, the State, and all rents and land revenue including cesses and royalties accruing in respect of lands comprised in such inam village on or after the date of vesting shall be payable to the State and not to the inamdar and any payment made in contravention of this clause shall not be valid;

Explanation:—For the purposes of this clause, the expression "arrears of rent or land revenue" shall include arrears in respect of which suits were pending on the date of vesting or in respect of which decrees were obtained before the date of vesting and have not been satisfied and are not barred by limitation, and shall also include the costs allowed by such decrees;

(e) all arrears of revenue, whether as jodi, quit-rent, or khayamgutta, and cesses, remaining lawfully due on the date of vesting in respect of any such inam village shall after such date continue to be recoverable from the inamdar by whom they were payable and shall, without prejudice to any other mode of recovery, be recoverable by the deduction of the amount of such arrears and cesses from the compensation money payable to such inamdar under this Act, when so ordered by the Deputy Commissioner;

(f) no such inam village shall be liable to attachment or sale under the processes of any court and any order of attachment passed in respect of such

village before the date of vesting shall be vacated;

(*g*) the Government may, after removing any obstruction that may be offered, forthwith take possession of the inam village, and all accounts, registers, pattas, mutchalikas, maps, plans and other documents relating to the village which the Government may require for the administration thereof:

Provided that the Government shall not dispossess any person of any land in the village in respect of which they consider that he is *prima facie* entitled to be registered as the occupant or as the holder of a minor inam;

(*h*) the inamdar and any other person whose rights have vested in the State of Mysore under clause (*b*) shall be entitled only to compensation from the Government as provided in this Act;

(*i*) the relationship of landlord and tenant shall, as between the inamdar and a kadim tenant, permanent tenant, quasi-permanent tenant, or any other tenant be extinguished;

(*j*) the relatioship of superior holder and inferior holder shall, as between the inamdar and the holder of a minor inam be extinguished;

(*k*) kadim tenants, permanent tenants, quasi-permanent tenants and any other tenants in the inam village and persons holding under them and holders of minor inams shall, as against the Government, be entitled only to such rights and privileges and subject to such conditions as are provided for by or under this Act; and any other rights and privileges which may have accrued to them in the village before the date of vesting against the inamdar shall cease and determine and shall not be enforceable against the Government or such inamdar.

Kadim tenants to be registered as occupants of their holdings.

5. (1) Every *kadim* tenant in an inam village, other than a kadim tenant in a minor inam, shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands which,

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immediately before the date of vesting, were properly included in his holding:

Provided that no person who has been admitted into possession of any land by an inamdar on or after the first day of July, 1948 shall, except where the Deputy Commissioner, after an examination of all the circumstances otherwise directs, be entitled to be registered as occupant in respect of such land.

(2) Nothing in this Act shall affect any right created by the kadim tenant in any land included in his holding.

Permanent tenants to be registered as occupants on payment of premium.

6. (1) Subject to the provisions of sub-section (2), every permanent tenant in an inam village, other than a permanent tenant in a minor inam, shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a permanent tenant immediately before the date of vesting:

Provided that no person who has been admitted into possession of any land by an inamdar on or after the first day of July, 1948 shall, except where the Deputy Commissioner, after an examination of all the circumstances otherwise directs, be entitled to be registered as occupant in respect of such land.

(2) No permanent tenant shall be registered as an occupant of any land under sub-section (1), unless he undertakes in writing to pay, in addition to the annual land revenue payable in respect of the land, as premium, ten times such land revenue, to the Government. The amount of premium shall be payable with the annual land revenue in not more than ten instalments, and in default of such payment, the amount due shall be recoverable as an arrear of land revenue due on the lands in respect of which it is payable.

Quasi-permanent tenants to be registered as occupants on certain conditions.

7. (1) Subject to the provisions of sub-section (2), every quasi-permanent tenant in an inam village, other than a quasi-permanent tenant in a minor inam, shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a quasi-permanent tenant immediately before the date of vesting.

(2) No quasi-permanent tenant shall be registered as an occupant of any land under sub-section (1) unless he undertakes in writing—

(*a*) to pay to the Government in addition to the annual land revenue payable in respect of the land, as upset price, an amount equal to ten times the average annual net income of the inamdar from the land during the period of six years prior to the first day of July, 1948, in not more than ten annual instalments; and

(*b*) not to alienate or in any manner encumber the said land before the upset price is fully paid.

Explanation :—For purposes of this sub-section, the average annual net income of the inamdar from any land shall be calculated in such manner as may be prescribed.

(3) Any sale, mortgage or other alienation of land, of which a quasi-permanent tenant is registered as an occupant, before the upset price payable under sub-section (2) is fully paid, shall, notwithstanding anything contained in the Land Revenue Code, or any other law, be void and of no effect.

(4) On the failure of the quasi-permanent tenant,

(*a*) to give an undertaking as required by sub-section (2), the Government shall register the inamdar as the occupant of such land;

(*b*) to pay the upset price or any portion thereof in accordance with his undertaking under sub-section (2), the Government shall forfeit the occupancy of the quasi-permanent tenant and register the inamdar as the occupant of such land:

Provided that any portion of the upset price paid by the quasi-permanent tenant shall be refunded to him.

Inamdar to be registered as occupant of khas lands.

8. (1) Every inamdar, not being a religious, educational or charitable institution, shall, with effect on and from the date of vesting, be entitled to be registered as an occupant of all lands in his *khas* possession and of all cultivable lands over which the inamdar has raised plantations of casuarina or other fuel trees or timber, by himself or by his own servants or hired labour.

(2) Where the inamdar is a religious, educational or charitable institution, such inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant of all agricultural lands the produce in kind from which was used for the maintenance of such institution.

Holders of minor inams to be registered as holders of lands included in their holding.

9. (1) Every holder of a minor inam in an inam village shall, with effect from the date of vesting, be entitled to be registered as the holder of all lands which, immediately before the date of vesting, were properly included in his holding.

(2) In respect of any land of which a person is registered as a holder under sub-section (1), all rights and obligations of the inamdar shall, on or after the date of vesting, be enforceable by or against the Government.

Determination of lands of which a kadim tenant, a permanent tenant, a quasi-permanent, and an inamdar are entitled to be registered as occupants and a holder of a minor inam is entitled to be registered as a holder.

10. The Deputy Commissioner shall examine the nature and history of all lands in respect of which a kadim tenant, a permanent tenant, a quasi-permanent tenant, or an inamdar claims to be registered as occupants under section 5, 6, 7, or 8 or the holder of a minor inam claims to be registered as holder under section 9, as the case may be, and decide in respect of which lands the claim should be allowed.

Liability to pay land revenue to Government.

11. (1) Every person whether a kadim tenant, a permanent tenant, a quasi-permanent tenant, or an inamdar who becomes entitled to be registered as an occupant under section 5, 6, 7 or 8 in respect of any land shall, with effect on and from the date of vesting, be liable to pay to the Government as land revenue,

(*a*) in the case of an inam village to which survey and settlement has been introduced under section 113 of the Land Revenue Code, the amount equal to the land revenue assessment fixed on such land during such survey and settlement;

(*b*) in the case of an inam village to which survey and settlement has not been introduced under section 113 of the Land Revenue Code, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village.

(2) The Deputy Commissioner shall, after such enquiry as he thinks fit, determine the land revenue payable under clause (*b*) of sub-section (1).

Vesting of buildings situated in inam villages.

12. (1) Every building situated within the limits of an inam village which, immediately before the date of vesting, belonged to the inamdar thereof and was then being used by him as an office in connection with its administration and for no other purpose, shall vest in the Government, free of all encumbrances, with effect on and from the date of vesting.

(2) Every building so situated which immediately before the date of vesting, belonged to any such inamdar and the whole or principal part whereof was then in the occupation of any religious, educational or charitable institution or was then being used as a chavadi or village hall, shall also vest in the Government, free of all encumbrances, with effect on and from the date of vesting:

Provided that when such institution ceases to exist, the building shall revert to such inamdar, or if he is dead, to his heirs or legal representatives.

(3) Where any building so situated—

(*a*) which belonged to any such inamdar on the first day of July, 1948; and

(*b*) (i) which on that date was being used by him as an office in connection with the administration of the inam village, and for no other purpose, or

(ii) the whole or principal part whereof was on that date in the occupation of any religious, educational or charitable institutions,

has after the first day of July, 1948, and before the date of vesting,

(*a*) been sold or made gift of, by the inamdar, the value of the building shall be assessed by the Deputy Commissioner in such manner as may be

prescribed and the amount so assessed shall be deducted from the compensation payable to the inamdar under this Act, or

(*b*) ceased to be used, by the inamdar as an office as aforesaid, or ceased to be in the occupation of such institution, the building shall, at the option of the inamdar, vest in the Government, or the value of the building shall be assessed by the Deputy Commissioner in such manner as may be prescribed and the amount so assessed shall be deducted from the compensation payable to the inamdar under this Act.

(4) Every building other than a building which vests in the Government under the provisions of sub-section (1), (2) or (3), shall, with effect on and from the date of vesting, vest in the person who owned it immediately before that date.

(5) In this section "building" includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto.

Right to agricultural land used for non-agricultural purposes.

13. Where any land used for agricultural purposes has been converted for any purpose unconnected with agriculture, the holder of such land shall be entitled to keep the land, subject to the payment by him to the Government of the assessment which may be imposed upon the land:

Provided that such conversion was not void or illegal under any law in force at the time.

Savings of rights of certain lessees and others.

14. (1) In cases not governed by sections 12 and 13 where before the date of vesting, an inamdar has created any right in any land (whether by way of lease or otherwise) including rights in any forest, mines or minerals, quarries, fisheries or ferries, the transactions shall be deemed to be valid, and all rights and obligations arising thereunder, on or after the date of vesting, shall be enforceable by or against the Government:

Provided that the transaction was not void or illegal under any law in force at the time.

Provided also that where such right was created in any cultivable land, unless it relates to land in the *khas*

possession of the inamdar, the Government may, if, in their opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.

(2) The person whose right has been terminated by the Government under the foregoing proviso, shall be entitled to compensation from the Government equal to the estimated net income to such person from the land for the unexpired portion of the period for which the right was created having regard to all the circumstances of the case.

CHAPTER III

DETERMINATION, APPORTIONMENT AND PAYMENT OF COMPENSATION.

Compensation how determined.

15. The compensation payable in respect of an inam village shall be determined in accordance with the provisions of this Chapter.

Compensation to be determined for the village as a whole.

16. The compensation shall be determined for the inam village as a whole, and not separately for each of the interests therein.

Basic annual sum.

17. A sum called the basic annual sum shall first be determined in respect of the inam village.

Component parts of basic annual sum of an inam village.

18. (1) The basic annual sum of an inam village shall be the aggregate of the sums specified below, less the deduction specified in section 19,

(i) in the case of an inam village to which—

(*a*) survey and settlement has been introduced under section 113 of the Land Revenue Code, the whole of the gross assessment on all lands including lands in the *khas* possession of the inamdar;

(*b*) survey and settlement has not been introduced under section 113 of the Land Revenue Code, one and a half times the recorded value of the village as per the inam settlement;

(ii) the whole of the average net annual income from forests in the inam village during a period of ten years immediately preceding the date of vesting :

Provided that—

(a) the income from sandalwood or any other reserved forest produce shhll not be included in the annual income from forests under this clause unless the right thereto has been specifically conferred on the inamdar by a competent authority ;

(b) the income from plantations of casuarina and other fuel trees or timber raised by the inamdar by himself or by his own servants or by hired labour, shall not be included in the annual income from forests under this clause ;

(iii) the whole of the average net annual income from "Amarai" derived by the inamdar from trees during a period of five years immediately preceding the date of vesting :

Provided that the "Amarai" income from trees situated on lands in respect of which the inamdar or a tenant is entitled to be registered as an occupant under this Act shall not be included in such annual income.

(iv) the whole of the average net annual income from royalty on ordinary minerals, to which proviso (1) to section 38 of the Land Revenue Code is applicable, derived by the inamdar during a period of five years immediately preceding the date of vesting ;

(v) the whole of the average net annual income derived from royalty on other minerals and mining leases derived by the inamdar during a period of five years immediately preceding the date of vesting, provided the right to such minerals or mines was expressly conferred on the inamdar by a competent authority and such right was recognised under section 38 of the Land Revenue Code ;

(vi) the whole of the average net annual income derived by the inamdar from ferries during a period of five years immediately preceding the date of vesting provided the right to such ferries was

expressly granted to the inamdar by a competent authority.

(2) Where the particulars necessary to compute the average net annual income under clause (ii), (iii), (iv), (v) or (vi) of sub-section (1) are not available for the full period or where the particulars available appear in material respects to be incorrect, the compensation may be made in such manner as may be prescribed.

19. From the aggregate of the sums referred to in clauses (i) to (vi) of sub-section (1) of section 18, ascertained as aforesaid, there shall be deducted— Jodi, etc., to be deducted.

(*a*) the whole of the jodi, quit-rent or other amount, if any, of a like nature, payable annually by the inamdar to the Government; and

(*b*) the annual remuneration payable to village officers at the scales prescribed by the Government by or under the Mysore Village Offices Act, 1908, whether such officers were employed by the inamdar or not.

20. The total compensation payable in respect of any inam village shall, except in cases governed by section 21, be the aggregate of the sums specified below :— Compensation payable except in cases governed by section 21.

(*a*) Compensation for loss of income determined in accordance with the following scale :—

(i) where the basic annual sum does not exceed Rs. 1,000—25 times such sum ;

(ii) where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000—20 times such sum or Rs. 25,000 whichever is greater ;

(iii) where the basic annual sum exceeds Rs. 3,000—15 times such sum or Rs. 60,000 whichever is greater ;

(*b*) Upset price of lands in respect of which a quasi-permanent tenant is registered as an occupant, equal to ten times the average net annual income derived by the inamdar from such lands during the period of six years prior to the first day of July, 1948 ;

(*c*) Compensation in respect of cultivable lands which vest in the Government, equal to ten times the

annual land revenue assessment payable in respect of such lands:

Provided that in respect of any village where survey and settlement has not been introduced under section 113 of the Land Revenue Code, the land revenue assessment shall be deemed to be equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village.

Payment of tasdik allowance to religious, educational and charitable institutions.

21. (1) Where an inam village or share thereof was held immediately before the date of vesting by any religious, educational or charitable institution, the Government shall pay to the institution every year as tasdik allowance the average net annual income derived by the institution from all sources in the village, as calculated in the prescribed manner, during the five complete years immediately preceding the date of vesting or during that portion of those years in which the village was held by the institution:

Provided that the value in money of any produce in kind derived from lands of which the institution is registered as an occupant under sub-section (2) of section 8 shall not be included in calculating the average net annual income under this sub-section.

(2) Payment shall be made to the institution under sub-section (1) so long as it exists.

Determination of basic annual sum and of total compensation.

22. (1) The Deputy Commissioner shall determine in accordance with such of the foregoing provisions as may be applicable to the village:

(*a*) the basic annual sum in respect thereof; and

(*b*) except in the case governed by section 21, also the total compensation payable in respect of the village.

(2) Any inamdar or other person interested may, within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposes to determine the basic annual sum.

(3) On receipt of such application, the Deputy Commissioner shall furnish the data aforesaid to the

applicant; and he shall also, before passing any order under sub-section (1), give the applicant reasonable opportunity of making his representation in regard thereto, in writing or orally.

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar concerned, and also to every applicant under sub-section (2).

23. The compensation payable to any person under this Act and the sums payable to any religious, educational or charitable institution under section 21, may be paid in such form and manner and at such time or times, and in one or more instalments, as may be prescribed by rules made by the Government.

Compensation, etc., to be paid in prescribed manner.

24. (1) As soon as may be after the date of vesting, the Deputy Commissioner shall—

Notice to persons interested in compensation.

(*a*) publish copies of the notification under section 3 at a convenient place in and in the vicinity of the village;

(*b*) cause public notice to be given at a convenient place in or near, the village requiring that claims of all persons interested in the compensation or in any portion thereof, including the inamdar, the members of his family claiming any such portion, whether by way of a share or by way of maintenance or otherwise, and creditors whose debts are secured by the mortgage of, or as a charge on, the village or any part thereof, shall be made to him together with the nature and particulars of such claims in person or by agent at a time and place therein mentioned such time not being earlier than thirty days from the date of publication of the notice.

(2) Every claim against the compensation which is not made to the Deputy Commissioner within the time aforesaid shall cease to be enforceable.

25. The Deputy Commissioner shall, after giving notice to all persons who claim under section 24 and to any others whom he considers to be interested, make enquiry into the validity of the claims received by him, and determine the persons, who in his opinion, are entitled to

Apportionment of compensation by the Deputy Commissioner.

the compensation and the amount to which each of them is entitled.

Procedure for apportionment of compensation.

26. (1) As a preliminary to such determination, the Deputy Commissioner shall apportion the compensation among the inamdar and any other persons whose rights or interests in the village have passed to and vested in the Government under clause (*b*) of section 4 including persons who were entitled to be maintained from the village and its income, as far as possible, in accordance with the value of their respective interests in the village.

(2) The value of the interests shall be ascertained in accordance with such rules as may be made by the Government in this behalf.

Claims of creditors.

27. (1) After the compensation has been apportioned among the persons referred to in section 26, or where it is more convenient so to do, pending the apportionment, the Deputy Commissioner shall take into consideration the applications of the secured creditors referred to in section 24, and decide the amount to which each such creditor is entitled and the person or persons out of whose share or shares of the compensation such amount should be paid.

(2) The amount of compensation payable to secured creditors on account of holding any mortgage or charge, notwithstanding anything contained in any law for the time being in force, shall not exceed, the amount of compensation payable in respect of the inam village or portion thereof.

Devolution of interest in compensation.

28. Where it is alleged that the interest of any person entitled to receive payment of any portion of the compensation has devolved on any other person or persons, whether by act of parties or by operation of law, the Deputy Commissioner shall determine whether there has been any devolution of the interest and, if so, on whom it has devolved.

CHAPTER IV.

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APPEALS, REFERENCES AND REVISION.

Constitution of Special Tribunals for certain purposes and their powers.

29. (1) The State Government shall constitute as many Special Tribunals as may be necessary for the purposes of this Act.

(2) Each Special Tribunal shall consist of an officer who is or has been a District Judge.

(3) Each Special Tribunal shall hold its sittings at such times and places, and shall, have such jurisdiction and over such local areas as the Government may by notification from time to time, determine.

(4) No order of the Government constituting a Special Tribunal under this section shall be called in question in any manner whatsoever.

(5) The Special Tribunal shall have the same power regarding summoning and attendance of witnesses and compelling the production of documents as a civil court has under the Code of Civil Procedure, 1911.

Appellate Tribunal.

30. (1) The Appellate Tribunal shall consist of two Judges of the High Court nominated from time to time by the Chief Justice in that behalf.

(2) Where the members of the Appellate Tribunal are agreed in their opinion, their decision shall be final. Where the members are divided in their opinion, the case with their opinion thereon, shall be laid before another Judge of the High Court nominated for the purpose by the Chief Justice and such Judge shall hear the case as a *persona designata* and his decision shall be final.

Appeal from orders under sections 10 and 11 and references to the prescribed authority.

31. (1) Any person aggrieved by a decision of the Deputy Commissioner under section 10 or 11 may, within thirty days from the date of the decision, or such further time as the prescribed authority may in its discretion allow, appeal to the prescribed authority, and its decision shall be final.

(2) If any question arises whether any building or land falls within the scope of sub-section (1), (2), (3) or (4) of section 12, it shall be referred to the prescribed authority whose decision shall be final.

References to the Special Tribunal.

32. The Deputy Commissioner may for reasons to be recorded in writing, either *suo motu*, or on the application of any person interested in the compensation, refer any case relating to the apportionment of compensation to the decision of the Special Tribunal.

Appeals to the Special Tribunal.

33. Any person aggrieved by any decision of the Deputy Commissioner under section 25, 26, 27 or 28 may, within thirty days from the date of decision, or such further time as the Special Tribunal may in its discretion allow, appeal to the Special Tribunal.

Powers of the Appellate Tribunal.

34. (1) Any person aggrieved by any order of the Deputy Commissioner made under sub-section (1) of section 22 or by any decision of the Special Tribunal under section 32 or section 33 may within three months from the date of the order or decision, or such further time as the Appellate Tribunal may in its discretion allow, appeal to the Appellate Tribunal; and the Appellate Tribunal shall pass such order on the appeal as it thinks fit.

(2) The Appellate Tribunal may also in its discretion at any time either *suo motu* or on the application of any person, call for and examine the records of any order passed or proceedings taken by the Deputy Commissioner (except those referred to in section 31) or by the Special Tribunal under this Act for the purpose of satisfying itself as to the legality, regularity or propriety of such order, decision or proceeding and pass such order in reference thereto as it thinks fit:

Provided that the basic annual sum or the total compensation payable in respect of any inam village shall not be altered by the Appellate Tribunal without giving every inamdar concerned and every person who has made an application under sub-section (2) of section 22 a reasonable opportunity of being heard.

(3) Save as otherwise provided in this Act, no order passed by the Deputy Commissioner or by the Special Tribunal under this Act shall be liable to be cancelled or modified except by the Appellate Tribunal as aforesaid or to be questioned in any Court of Law; and no order passed by the Appellate Tribunal under sub-sections (1) and (2) shall be liable to be cancelled or modified by the Government or any other authority or to be questioned in any Court of Law.

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CHAPTER V.

MISCELLANEOUS.

35. After the date of vesting, the inamdar shall not be entitled to collect any rent or land revenue which accrued due to him from any tenant or holder of a minor inam before, and is outstanding on, that date, but the Deputy Commissioner shall be entitled to collect all such rents and any interest payable thereon together with any costs which may have been decreed as if they were an arrear of land revenue; and all amounts so collected after deducting ten per cent thereof on account of collection charges shall be paid to the inamdar:

Collection of arrears of rent which accrued before the date of vesting.

Provided that where the tenant or the holder of the minor inam—

(*a*) has paid before the date of vesting, or

(*b*) pays within one year from such date,

the arrears due for the two years immediately preceding the date of vesting and any interest payable thereon together with any costs which may have been decreed, then, all arrears due from such tenant in respect of the years prior to the said two years, including interests and costs, if any, shall be deemed to have been completely discharged.

36. (1) If the Government is unable to grant for cultivation, any cultivable lands which vest in them, within a period of one year from the date of vesting, they shall register the inamdar as the occupant of such lands; and on such registration,

Inamdar to be registered as occupant of cultivable lands in certain cases.

(*a*) the inamdar shall not be entitled to the compensation specified in clause (*c*) of sub-section (1) of section 20 in respect of such lands; and

(*b*) if the compensation in respect of such lands has already been paid, the inamdar shall be liable to pay the amount of compensation to the Government within such period as may be prescribed; and in default of such payment, such amount shall be recoverable from the inamdar as an arrear of land revenue.

(2) On the registration of the inamdar as the occupant of any land under sub-section (1), the right, if any, in

such land of any person enforceable against the Government under section 14, shall, from the date of such registration be enforceable against such inamdar.

(3) Nothing in this section shall apply to cultivable lands in an inam village which immediately before the date of vesting, was held by a religious, educational or charitable institution.

Enquiries by the Deputy Commissioner.

37. (1) The Deputy Commissioner may by general or special order authorise any officer subordinate to him to hold enquiries on his behalf, under this Act.

(2) In respect of every enquiry under this Act by the Deputy Commissioner or any officer authorised under sub-section (1), the provisions of the Land Revenue Code, relating to formal enquiry shall apply as if such enquiry is a formal enquiry under the said Code.

Fees payable on applications, petitions, etc., under the Act.

38. Notwithstanding anything contained in the Mysore Court-fees Act, 1900, or any other law for the time being in force, the fees payable on any application, memorandum of appeal or petition under this Act or rules made thereunder shall be such as may be prescribed.

Applicability of provisions of the Act to Sringeri and Yelandur Jahagirs.

39. (1) The provisions of this Act shall apply to the Sringeri Jahagir or Yelandur Jahagir as if the said Jahagir is an inam village.

(2) The provisions of sections 18 and 19 shall, in their application to the Yelandur Jahagir, be subject to the following modifications, namely :—

(*a*) for clauses (ii) to (vi) of sub-section (1) of section 18, the following clause shall be substituted, namely :—

"(ii) the whole of the average net annual income from all sources (other than the income from land revenue and excise) during a period of five years immediately preceding the date of vesting."

(*b*) for section 19, the following section shall be substituted, namely :—

"19. From the aggregate of the sums referred to in clauses (i) and (ii) of sub-section (1) of section 18, ascertained as aforesaid, there shall be

deducted, the annual expenditure incurred on the management of the Jahagir."

(3) With effect from the date of vesting of the Yelandur Jahagir in the State, the Yelandur Jahagir Act, 1885, shall stand repealed.

Jurisdiction of courts barred in certain cases.

40. (1) No suit, prosecution or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) (*a*) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder without the previous sanction of the Government.

(*b*) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties or the discharge of the functions, imposed by or under this Act.

(3) No suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder, after the expiry of six months from the date of the act complained of.

Repeal of Mysore Act XII of 1950.

41. With effect on and from the date of vesting, the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, shall be deemed to have been repealed in its application to the inam village.

Power to make rules.

42. (1) The Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the procedure to be followed by the Deputy Commissioner, Special Tribunals, Appellate

Tribunal, authorities and officers appointed, or having jurisdiction, under this Act;

(c) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf is made herein;

(d) the application of the provisions of the Code of Civil Procedure, 1911, and the Mysore Limitation Act, 1911, to applications, appeals and proceedings under this Act.

(3) All rules made under this section shall be published in the *Mysore Gazette* and on such publication shall have effect as if enacted in this Act.

Penalties.

43. (1) If any person wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any such order or offers resistance or obstruction to the taking by the Deputy Commissioner of charge or possession of any property which has vested in the State under this Act or furnishes information which he knows or has reason to believe to be false or does not believe to be true, he shall, on conviction by a magistrate, be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

(2) No prosecution under sub-section (1) shall be instituted except with the previous sanction of the Deputy Commissioner of the District.

Power to remove difficulties.

44. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

Statement of Objects and Reasons.

The abolition of inams and jahagirs in the State is being urged in the Legislature from a long time. A resolution recommending introduction of legislation for the purpose was moved in the Legislative Council in January, 1948, and the State Government promised to have the question examined by a Committee.

A Committee was constituted in August, 1948, to examine the several issues connected with the revision of the land revenue system in the State and make its recommendations; one of the terms of reference to the Committee was to consider the feasibility of simplifying the land tenures by the abolition of Jodi, Inam and Jahagir tenures and to recommend the principles for the payment of fair compensation in respect of each class. The recommendations contained in the report of the Committee on this question have been considered, and it is found desirable to abolish the inam tenure of inam villages at first so that most of the longstanding tenants of the inamdars can be registered as occupants of lands held by them. Hence the Bill.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 487.

No. L.D. 1156, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The Mysore Tenancy Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE MYSORE TENANCY BILL, 1951.

A Bill to regulate the law relating to tenancies of agricultural lands.

WHEREAS it is necessary to regulate the law which governs the relations of landlords and tenants of agricultural lands and to regulate and impose restrictions on the transfer of agricultural lands, dwelling houses, sites and lands appurtenant thereto belonging to or occupied by agriculturists, agricultural labourers and artisans in the State of Mysore and to make provisions for certain other purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Tenancy Act, 195 . Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "agriculture" includes horticulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, stock breeding and grazing, but does not include cutting of wood only ;

(2) "agriculturist" means a person who cultivates land personally ;

(3) "Amildar" includes any officer whom the Government may appoint to perform the duties of an Amildar under this Act ;

(4) "to cultivate" means to carry on any agricultural operations ;

(5) "to cultivate personally" means to cultivate on one's own account—

(*i*) by one's own labour, or

(*ii*) by the labour of any member of one's family, or

(iii) by servants on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family.

Explanation 1.—A tenant who is a widow or a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour;

Explanation 2.—In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family;

(6) "Government" means the State Government;

(7) "improvement" means with reference to any land, any work which adds to the value of the land and which is suitable thereto as also consistent with the purpose for which it is held; and includes—

(a) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(b) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water;

(c) the reclaiming, clearing, enclosing, levelling or terracing of land;

(d) the erection of buildings on the land, required for the convenient or profitable use of such land for agricultural purposes; and

(e) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto as are not of the nature of ordinary repairs; but does not include such clearances, embankments, levellings, enclosures, temporary walls, water channels and other works as are commonly made by the tenants in the ordinary course of agriculture;

(8) "land" means land which is used for agricultural purposes, and includes—

(a) the sites of farm buildings appurtenant to land used for agricultural purposes, and

(b) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;

(9) "landholder" means an inamdar, khayamguttadar or jodidar or any person not hereinbefore specified who is a holder of land or who is interested in land and whom Government has declared on account of the extent and value of the land or his interests therein to be a landholder for the purposes of this Act;

(10) "person" includes an undivided Hindu family;

(11) "prescribed" means prescribed by rules made under this Act;

(12) "profits of agriculture" in respect of any land means the surplus remaining with the cultivator after the expenses of cultivation including the wages of the cultivators working on the land are deducted from the gross produce;

(13) "reasonable rent" means the rent determined under section 12;

(14) "rent" means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(15) "tenancy" means the relationship of landlord and tenant;

(16) "tenant" means an agriculturist who holds land on lease and includes a person who is deemed to be tenant under the provisions of this Act. The word "landlord" shall be construed accordingly;

(17) "year" means the year ending on the 31st day of March or on such date as the Government, by a notification in the *Mysore Gazette*, appoint for any locality;

(18) Words and expressions used in this Act but not defined shall have the meaning assigned to them in the Mysore Land Revenue Code, 1888, and the Transfer of Property Act, 1918, as the case may be.

CHAPTER II.

GENERAL PROVISIONS REGARDING TENANCIES.

Application of Chapter V of Transfer of Property Act.

3. The provisions of Chapter V of the Transfer of Property Act, 1918, shall, in so far as they are not inconsistent with the provisions of this Act, and the

provisions of section 107 of the said Chapter with the omission of the words and figures "Subject to the proviso to clause (*d*) of section 17 of the Mysore Registration Act, 1903," shall apply to the tenancies and leases of lands to which this Act applies.

Persons to be deemed tenants.

4. A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not—

(*a*) a member of the owner's family, or
(*b*) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or any member of the owner's family, or
(*c*) a mortgagee in possession.

No tenancy to be for less than five years.

5. (1) No tenancy of land shall be for a period of less than five years.

(2) Notwithstanding any agreement, usage or law to the contrary, no tenancy shall be terminated before the expiry of a period of five years except on the grounds mentioned in section 14:

Provided that any tenancy may be terminated by a tenant before the expiry of a period of five years by surrendering his interest as a tenant in favour of the landlord.

Maximum rent.

6. (1) Notwithstanding any agreement, usage, decree or order of a court or any law, the maximum rent payable by a tenant for the lease of any land shall not exceed one-half of the crop of such land or its value as determined in the prescribed manner.

(2) The Government may, by notification in the *Mysore Gazette*, fix a lower rate of the maximum rent payable by the tenants of lands situate in any particular area or may fix such rate on any other suitable basis as they think fit.

Rent.

7. The rent payable by a tenant shall, subject to the maximum rate fixed under section 6, be the rent agreed upon between such tenant and his landlord or in the absence of any such agreement the rent payable according to the usage of the locality or if there is no such

agreement or usage, or where there is a dispute as regards the reasonableness of the rent payable according to such agreement or usage, the reasonable rent.

Calculation of rent payable in kind.

8. Notwithstanding any agreement, usage or custom or any law, the rent payable in kind or as a crop-share by a tenant for the lease of any land, shall be specified, in the case of any commodity usually calculated—

(*i*) by measure, in terms of the standard palla of one hundred seers, or

(*ii*) by weight, in terms of the standard maund of nine hundred and sixty tolas;

and no landlord shall recover or receive rent calculated in any manner other than that specified in this section.

Prohibition of receipt of rent in terms of service or labour.

9. (1) Any landlord receiving any rent from any tenant in terms of service or labour shall, within twelve months from the date of coming into force of this Act, apply to the Amildar for commuting such rent into cash. Such application shall be made in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the Amildar shall, after holding an inquiry, by order in writing, commute such rent into cash rent.

(3) Notwithstanding anything contained in any agreement, usage, decree or order of a court or any law, no landlord shall recover or receive rent in terms of service or labour after a period of twelve months from the date of coming into force of this Act.

Refund of rent recovered in contravention of the provisions of the Act and other penalties.

10. If any landlord recovers rent from any tenant in contravention of the provisions of sections 6, 7 or 9, he shall forthwith refund the excess amount recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Amildar in this behalf and shall also be liable to such penalty as may be prescribed by rules made under this Act.

Abolition of all cesses, etc.

11. Notwithstanding any agreement, usage or law, it shall not be lawful for any landlord to levy any cess, rate, mamool, huk or tax or service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

Enquiries as regards reasonable rent.

12. (1) For the determination of the reasonable rent of any land the tenant or his landlord may apply in writing to the Amildar. Such application shall be in such from as may be prescribed.

(2) On receipt of an application under sub-section (1), the Amildar shall give notice to the landlord or to the tenant, as the case may be, and after holding an inquiry, shall determine the reasonable rent of the land.

(3) In determining the reasonable rent, regard shall, subject to the provisions of section 6, be had to the following factors :—

(*a*) the rental values of lands used for similar purpose in the locality ;

(*b*) the profits of agriculture of similar lands in the locality ;

(*c*) the prices of crops and commodities in the locality ;

(*d*) the improvements made in the land by the landlord or tenant ;

(*e*) the assessment payable in respect of the land ; and

(*f*) such other factors as may be prescribed :

Provided that in determining the reasonable rent the Amildar may commute any rent payable wholly, or partly as a crop-share into cash rent.

(4) A tenant may, at any time during the pendency of proceedings under this section, deposit with the Amildar, or if an appeal has been filed, with the Deputy Commissioner, as the case may be, a sum equal to the amount of rent if the rent is payable in cash or a sum equal to the value of crop-share, if the rent is payable as a crop-share which, if no proceedings had been instituted under this section he would have been liable to pay in respect of the land of which the reasonable rent is to be determined. On the completion of proceedings, the Amildar or the Deputy Commissioner shall direct that the amount so deposited or such part of it as is equal to the amount determined as reasonable rent under this section, shall be paid to the landlord and shall make such other order as may be necessary.

(5) Every order passed by the Amildar under this section if not appealed against, and every order passed by the Deputy Commissioner in appeal shall hold good for a period of five years and shall not be called in question during that period :

Provided that the Amildar or the Deputy Commissioner as the case may be, may, during the said period of five years—

(i) reduce the rent, if on an application made to him by a tenant, the Amildar or the Deputy Commissioner as the case may be, is satisfied that,

(*a*) on account of deterioration of the land by floods or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation, or

(*b*) the tenant has incurred any expenditure on account of improvement made on the land, or

(ii) enhance the rent, if on an application made to him by a landlord, the Amildar or the Deputy Commissioner, as the case may be, is satisfied that on account of any improvement made in the land by or at the expense of the landlord, the produce of the land is increased.

Suspensions or remissions of rent.

13. (1) Notwithstanding anything contained in section 87-A of the Mysore Land Revenue Code, 1888, whenever from any cause, the payment of the whole land revenue lpayable to Government by a landlord in respect of any oand, is suspended or remitted, the landlord shall suspend rr- remit, as the case may be, the payment to him of the lent of such land by his tenant. If, in the case of such tand, the land revenue is partially suspended or remitted, the landlord shall suspend or remit the rent payable by the tenant of such land in the same proportion.

(2) If no land revenue is payable to Government in respect of such land and if from any cause the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Deputy Commissioner shall, subject to the general or special orders of Government, in the manner provided in sub-section (1), suspend or remit, as the case may be, the payment to the landlord of the rent or part of it due in respect of such land.

(3) No application for assistance under sections 97 and 98 of the Mysore Land Revenue Code, 1888, shall be entertained, no suit shall lie and no decree of a civil court shall be executed for recovery by a landlord of any

rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(4) Notwithstanding anything contained in sections 97 and 98 of the Mysore Land Revenue Code, 1888, the Deputy Commissioner shall, in passing an order under section 98 of the said Code, for rendering assistance to the landlord, allow to the tenant a set-off for the sum, if any, paid by such tenant to the landlord in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (1) or sub-section (2) of this section or under section 87-A of the said Code. The set-off under this sub-section shall be allowed only in respect of the sums paid by such tenant to such landlord during a period of three years immediately preceding the date of the application made under section 97 of the said Code.

(5) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section. The tenant may apply to the Amildar for the recovery of the amount and the Amildar may, after making an inquiry, make an order for the refund.

Termination of tenancy.

14. (1) Notwithstanding any agreement, usage, decree or order of a court of law, the tenancy of any land held by a tenant shall not be terminated, unless such tenant,

(*a*) (i) has failed to pay the rent of such land for a continuous period of two years within fifteen days from the day fixed for the payment of the last instalment of land revenue, in accordance with the rules made under the Mysore Land Revenue Code, 1888, for the second of the two years, or

(ii) if an application for the determination of reasonable rent is pending before the Amildar or the Deputy Commissioner under section 12, has failed to deposit within fifteen days from the aforesaid date with the Amildar or the Deputy Commissioner, as the case may be, a sum equal to the amount of rent which he would have been liable

to pay for that year if no such application had been made, or

(iii) in case the reasonable rent determined under section 12 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Amildar or the Deputy Commissioner, as the case may be,

(*b*) had done any act which is destructive or permanently injurious to the land;

(*c*) has sub-divided the land;

(*d*) has sub-let the land or failed to cultivate it personally;

(*e*) has left the land fallow; or

(*f*) has used such land for a purpose other than agriculture.

(2) In the case of a tenant, the duration of whose tenancy is for a period of five years or more, the tenancy shall terminate at the expiration of such period, unless the landlord has, by the acceptance of rent or by any other act or conduct of his, allowed the tenant to hold over within the meaning of section 116 of the Transfer of Property Act, 1918.

(3) Notwithstanding anything contained in sub-section (1), the tenancy of any land held by a tenant who is a widow or a minor or who is subject to physical or mental disability, shall not be liable to be terminated under the said sub-section, only on the ground that such land has been sub-let on behalf of the said tenant.

Tenancy deemed to be renewed for five years if the tenant allowed to hold over.

15. Where the period of tenancy of any tenant has expired and if such tenant has been allowed to hold over under the last preceding section, the tenancy of such tenant shall be deemed to have been renewed for a further period of five years from the date of its expiry on the same terms and conditions as before.

Bar to eviction from dwelling house.

16. If, in any village, a tenant is in occupation of a dwelling house built at the expense of such tenant, or his predecessor-in-title on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment) unless—

(a) the landlord proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title, and

(b) such tenant makes a default in the payment of rent, if any, which he has been paying for the use and occupation of such site.

Tenant to be given first option of purchasing site on which he has built a dwelling house.

17. (1) If a landlord to whom the site referred to in section 16 belongs, intends to sell such site, the tenant, at the expense of whom or whose predecessor-in-title a dwelling house is built thereon, shall be given in the manner provided in sub-section (2), the first option of purchasing the site at a value determined by the Amildar.

(2) The landlord intending to sell such site, shall give notice in writing to the tenant, requiring him to state within three months from the date of service of such notice, whether he is willing to purchase the site.

(3) If, within the period of three months so specified, the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Amildar for the determination of the value of the site. On receipt of such application, the Amildar, after giving notice to the tenant and after holding an enquiry, shall determine the value of the site. The Amildar may, by an order in writing, require the tenant to deposit the amount of value of such site within three months from the date of such order. On the deposit of such amount, the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Amildar shall, on payment of the prescribed fee, grant a certificate in the prescribed form to such tenant specifying therein the site so transferred and the name of such tenant.

(4) If the tenant fails to intimate his willingness to purchase the site within the time specified in sub-section (2) or fails to deposit the amount of the value within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the site and the landlord shall then be entitled to evict the tenant either on payment of such compensation for the value of the structure of such dwelling house as may be determined by the Amildar or allow the tenant at his option to remove the materials of the structure.

(5) Any sale of a site held in contravention of this section shall be null and void.

18. (1) If a landlord intends to sell any land leased to a tenant, such tenant shall be given in the manner provided in sub-section (2), the first option of purchasing the land.

Tenant to be given first option of purchasing land leased to him.

(2) The landlord intending to sell the land shall give notice in writing to the tenant specifying the price of such land and requiring the tenant to state within one month from the date of service of such notice whether he is willing to purchase the land at such price.

(3) If, within the period of one month so specified, the tenant intimates in writing to the landlord that he is willing to purchase the land at such price, the landlord shall make an application to the Amildar for recovery and payment of the price. The Amildar shall thereupon, by an order in writing, require the tenant to deposit the amount of the price of such land within three months from the date of such order. On the deposit of such amount the land shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Amildar shall, on payment of the prescribed fee, grant a certificate in the prescribed form to such tenant declaring him to be the purchaser of the land. Such certificate shall be conclusive evidence of the sale as against the landlord and all persons interested therein.

(4) If the tenant fails to intimate his willingness to purchase the land within the time specified in sub-section (2) or fails to deposit the amount of the price of the land within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the land and the landlord shall then be entitled to sell the land to any other person at a price not exceeding the price at which the land was offered to the tenant under sub-section (2).

(5) Any sale of land held in contravention of this section shall be null and void.

19. The Government may, by notification in the *Mysore Gazette*, direct that the provisions of sections 16 and 17 shall apply to the dwelling houses and the sites thereof occupied by the agricultural labourers or artisans in any particular area specified in the notification.

Dwelling houses of agricultural labourers and artisans.

20. If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce

Tenant's rights to trees planted by him.

and the wood of such trees during the continuance of his tenancy and shall, on the termination of his tenancy, be entitled to such compensation for the said trees as may be determined by the Amildar:

Provided that a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant;

Provided further that the landlord shall during the continuance of the tenancy, be entitled to the rent of the land as if the trees had not been planted.

Right to produce of naturally growing trees.

21. (1) A tenant shall, during the continuance of his tenancy, be entitled to one-half of the total produce of trees naturally growing on the land, the landlord being entitled to the other half of the produce of such trees.

(2) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce as provided under sub-section (1), the tenant or the landlord may apply to the Amildar. Such application shall be made in such form as may be prescribed.

(3) On receipt of such application, the Amildar shall, after holding an inquiry, pass such order thereon as he deems fit.

Sub-letting of land by or on behalf of person in military, naval or air service of the Union not to terminate tenancy.

22. Notwithstanding anything contained in this Act or any other law for the time being in force or any agreement or usage, the tenancy of any land leased to and held by a person in the military, naval or air service of the Union, shall not be liable to be terminated on the ground only that the land has been sub-let by or on behalf of the said person.

Tenants responsible for maintenance of boundary marks.

23. Notwithstanding anything contained in section 131 of the Mysore Land Revenue Code, 1888, the responsibility for the maintenance and good repair of the boundary marks of the land held by a tenant and any charges reasonably incurred on account of service by revenue officers in case of alteration, removal or disrepair of such boundary marks shall be upon the tenant.

Repairs of protective bunds.

24. (1) Notwithstanding any agreement, usage or custom to the contrary, if it appears to the Government that the construction, maintenance or repairs of any bunds

protecting any land held by a tenant is neglected due to a dispute between the landlord and the tenant or for any other reason, they may, by an order in writing, direct that the construction, maintenance or repairs shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable from the person in actual possession of the land as arrears of land revenue.

(2) The person from whom the costs are recovered under sub-section (1), shall be entitled to recover the same or any part thereof from any person, who under any agreement, usage or custom, is wholly or partially liable to construct, maintain or repair the bunds.

(3) Notwithstanding anything contained in sub-section (1), it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his cost and the cost so incurred by him shall, on application made by him to the Amildar, be recoverable by him from the landlord according to him liability, under the agreement, usage or custom. The costs of the proceedings of the tenant's application shall also be recoverable from the landlord in case the landlord is held wholly or partially liable to pay the costs incurred by the tenant for construction, maintenance or repairs to the bunds.

Relief against termination of tenancy in certain cases.

25. When any tenancy of any land held by any tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceedings for ejectment against such tenant shall lie unless and until the landlord has served on the tenant, a notice in writing, specifying the act of destruction or injury complained of and the tenant fails, within a period of one year from the service of notice, to restore the land to the condition in which it was before such destruction or injury.

Relief against termination of tenancy for non-payment of rent.

26. Where any tenancy of any land held by any tenant is terminated for non-payment of rent and the landlord files any proceedings to eject the tenant, the Amildar shall call upon the tenant to tender to the landlord the rent in arrears together with the cost of the proceedings, within fifteen days from the date of the order and if the tenant complies with such order, the Amildar shall, in lieu of making an order for ejectment

pass an order directing that the tenancy had not been terminated and thereupon the tenant shall hold the land as if the tenancy had not been terminated:

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any three years to pay rent within the period specified in section 14.

Receipts for rent.

27. (1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

(2) Every landlord shall give a written receipt for the amount of rent at the time when such amount is received by him in respect of any land in such form and in such manner as may be prescribed.

Sub-division, sub-letting and assignment prohibited.

28. No sub-division or sub-letting of the land or assignment of any interest held by a tenant shall be valid. Such sub-division, sub-letting or assignment shall make the tenancy liable to termination:

Provided that nothing in this sub-section shall prejudicially affect the rights of a permanent tenant or any tenant the duration of whose tenancy is presumed to be co-extensive with the duration of the tenure of the landlord under section 79 of the Mysore Land Revenue Code, 1888.

Bar to attachment, seizure or sale by process of court.

29. Save as expressly provided in this Act, any interest in the land held by a tenant, shall not be liable to be attached, seized or sold in execution of a decree or order of a civil court.

Procedure of taking possession.

30. (1) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house under any of the provisions of this Act, may apply in writing for such possession, to the Amildar. The application shall be made in such form as may be prescribed.

(2) No landlord shall obtain possession of any land or dwelling house held by a tenant except under an order of the Amildar. For obtaining such order, he shall make an application in the prescribed form.

(3) On receipt of an application under sub-section (1) or (2), the Amildar shall, after holding an enquiry, pass such order thereon, as he deems fit.

(4) Any person taking possession of any land or dwelling house except in accordance with the provisions of sub-section (1) or (2), as the case may be, shall be liable to forfeiture of crops, if any, grown on the land in addition to payment of costs as may be directed by the Amildar or by the Deputy Commissioner and also to the penalty prescribed in section 44.

Procedure for recovery of rent.

31. (1) Notwithstanding anything contained in any agreement or in any law, a landlord shall apply to the Amildar for the recovery of rent payable to him by a tenant. The application shall be made in such form as may be prescribed.

(2) On receipt of the application under sub-section (1), the Amildar shall, after holding an enquiry, pass such order thereon, as he deems fit.

(3) The provision of section 98 of the Mysore Land Revenue Code, 1888, shall apply to the recovery of the rent ordered to be paid under sub-section (2).

Act not to affect rights or privileges of tenant under any other law.

32. Save as otherwise provided in section 28, no other provision contained in this Act shall be construed to limit or abridge the rights or privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever.

Restriction on tenant's right of transfer.

33. No land purchased by a tenant under section 18, shall be transferred by sale, gift, exchange, lease, mortgage or assignment without the previous sanction of the Government.

CHAPTER III.

PROCEDURE AND JURISDICTION OF AMILDAR AND APPEALS.

Duties of the Amildar.

34. For the purposes of this Act, the following shall be the duties and functions to be performed by the Amildar:—

(*a*) to decide whether a person is an agriculturist;

(*b*) to decide whether a person is a tenant;

(c) to dermine the value of the crop of the land under section 6;

(d) to determine the amount of the commutation of the rent received in terms of labour or service under section 9;

(e) to determine the amount of compensation under section 10 for the contravention of sections 6, 7 and 9;

(f) to decide what is the reasonable rent under section 12;

(g) to determine the amount to be refunded to a tenant under sub-section (5) section 13;

(h) to determine the value of the site of a dwelling house under section 17;

(i) to take action in respect of the transfer of land to a tenant under section 18;

(j) to determine the amount of compensation for trees to which a tenant is entitled under section 20;

(k) to determine any dispute regarding the right to produce of trees naturally growing under section 21;

(l) to determine the cost of repairing protective bunds under section 24;

(m) to decide disputes relating to recovery of rents under section 31;

(n) to take measures for putting the tenant or landlord or the agricultural labourer or artisan into the possession of the land or dwelling house under the Act; and

(o) to decide such other matters as may be referred to him by or under this Act.

Commencement of proceedings.

35. Save as expressly provided by or under this Act, all inquiries and other proceedings before the Amildar, shall be commenced by an application which shall contain the following particulars:—

(a) the name, age, profession and place of residence of the applicant and the opponent;

(b) a short description and situation of the property of which possession is sought, or the amount of claim, as the case may be;

(c) the circumstances out of which the cause of action arose;

(d) a list of the applicant's documents, if any, and of his witnesses and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of the hearing;

(e) such other particulars as may be prescribed.

36. In all inquiries and proceedings commenced on the presentation of application under section 35, the Amildar shall exercise the same powers as under Chapter XII of the Mysore Land Revenue Code, 1888, and shall follow the provisions of the said Code. In regard to matters which are not provided for in the said Code, the Amildar shall follow the procedure as may be prescribed by the Government. Every decision of the Amildar shall be recorded in the form of an order which shall state reasons for such decision. Procedure.

37. (1) Any sum the payment of which has been directed by an order of the Amildar including an order awarding costs shall be recoverable from the person ordered to pay the same as an arrear of land revenue. Execution of order for payment of money or for restoring possession.

(2) An order of the Amildar awarding possession or restoring possession or use of any land shall be executed in such manner as may be prescribed.

38. (1) An appeal may be filed to the Deputy Commissioner against the orders of the Amildar under section 6, 9, 10, 12, 13, 17, 20, 21, 24, 26, 30 or 31. Appeals.

(2) Save as otherwise provided in this Act, the provisions of Chapter XIII of the Mysore Land Revenue Code, 1888, shall apply to appeals to the Deputy Commissioner under this Act, as if the Deputy Commissioner were the immediate superior of the Amildar. The Deputy Commissioner in appeal shall have power to award costs.

39. (1) An application for revision may be made to the Government against any order of the Deputy Commissioner on the following grounds only:— Revision.

(a) that the order of the Deputy Commissioner was contrary to law;

(b) hatt the Deputy Commissioner failed to determine some material issue of law; or

(c) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(2) In deciding applications under this section, the Government shall follow the procedure which may be prescribed by rules made under this Act.

Court-fees.

40. Notwithstanding anything contained in the Mysore Court-fees Act, 1900, every application or appeal made under this Act to the Amildar, Deputy Commissioner or the Government, shall bear a court-fee stamp of such value as may be prescribed.

Orders in appeal or revision.

41. (1) The Deputy Commissioner in appeal and the Government in revision under section 39 may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders of the Deputy Commissioner in appeal or of the Government in revision shall be executed in the manner provided for the execution of the orders of the Amildar under section 37.

Limitation.

42. Every appeal or application for revision under this Act, shall be filed within a period of sixty days from the date of the order of the Amildar or Deputy Commissioner as the case may be. The provisions of sections 4, 5, 12, and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal or application for revision.

Inquiries and proceedings to be judicial proceedings.

43. All inquiries and proceedings before the Amildar the Deputy Commissioner and the Government, shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of Indian Penal Code.

CHAPTER IV.

OFFENCES AND PENALTIES.

Offences and penalties.

44. (1) Whoever contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table shall, on conviction for each such offence, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed 'subject' are not intended as the definitions of offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Section, sub-section or clause	Subject	Fine which may be imposed
		Rs.
Section 5	Tenancy of land for a period less than ten years or termination of tenancy before the expiry of period of ten years.	1,000
Section 8	Recovery of rent by way of crop-share contrary to section 8.	100
Section 9 (3)	Receipt of rent in form of labour or service.	1,000
Section 11	Levy of cess, rate, mamool, huk, tax or service which has been abolished.	1,000
Section 27 (2)	Failure to give written receipt for the amount of rent received.	100
Section 30	Taking possession of land or dwelling house contrary to section 30.	1,000

(2) An offence for the contravention of the provisions of section 9 or 11 shall be cognizable.

CHAPTER V.

MISCELLANEOUS.

45. (1) The Government may make rules for carrying out the purposes of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters:—

(*a*) the manner of determining the value of the crop of the land under section 6;

(*b*) the penalty to be recovered under section 10;

(*c*) the other factors to be taken into consideration for determining reasonable rent under section 12;

(*d*) the fees to be paid for the grant of a certificate under sub-section (3) of section 17 and sub-section (3) of section 18;

(*e*) the manner and the form in which a receipt is to be given by the landlord under section 27;

(*f*) the other procedure to be followed by the Amildar under section 36;

(*g*) the value of the court-fee stamp payable on an application to the Amildar or on an application or appeal to the Deputy Commissioner under section 40;

(*h*) any other matter which is or may be prescribed under this Act.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Mysore Gazette*.

Delegation of powers.

46. The Government may, subject to such restrictions and conditions as they may impose, by notification in the *Mysore Gazette*, delegate to any of their officers, not below the rank of an Assistant Commissioner, all or any of the powers conferred on it by this Act.

Summary eviction.

47. Any person unauthorisedly occupying or wrongfully in possession of any land,—

(*a*) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act; or

(*b*) to the use and occupation of which he is not entitled under the said provisions, and the said provisions do not provide for the eviction of such persons, may be summarily evicted by the Deputy Commissioner.

Bar of jurisdiction.

48. (1) No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Amildar, the Deputy Commissioner or the Government, in appeal or revision.

(2) No order of the Amildar, the Deputy Commissioner or the Government made under this Act shall be questioned in any civil or criminal court.

49. A all matters connected with this Act, the Government shall have the same authority and control over the Inmildars and the Deputy Commissioners acting under this Act, as they have and exercise over them in the general and revenue administration. Control.

50. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act. Indemnity.

51. (1) Nothing in the foregoing provisions of this Act shall apply — Act not to apply to certain lands and areas.

(*a*) to lands held on lease from the Government or the Central Government, a local authority or a co-operative society registered or deemed to be registered under the Mysore Co-operative Society Act, 1948;

(*b*) to lands held on lease for the benefit of an industrial or commercial undertaking;

(*c*) to any area within the limits of the City of Bangalore Municipal Corporation and within the limits of the Municipality of Mysore City and within a distance of two miles of the limits of the said Corporation and Municipality;

(*d*) to any area which the Government may, from time to time, by notification in the *Mysore Gazette*, specify as being reserved for urban non-agricultural or industrial development.

(2) Notwithstanding anything contained in sub-section (1), the Government may, by notification published in the *Mysore Gazette*, direct that any particular land or class of lands in any area shall not be exempt from all or any of the provisions of this Act.

Statement of Objects and Reasons.

The Committee constituted by the Government to examine and make their recommendations on the revision of the Land Revenue System in Mysore have recommended the enactment of a Tenancy Law. Government

consider that it is necessary to give effect to this recommendation, and in order to grant the benefits of fixity of tenure and fair rent and to ensure a fair deal to the tenant and make him feel contented, it is desirable to undertake legislation on the lines of Chapter II of the Bombay Tenancy Act. Hence this Bill.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L. D. 1157, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE LEGISLATIVE ASSEMBLY (PREVENTION OF DISQUALIFICATION) BILL 1951.

A Bill to provide that holders of certain offices of profit shall not be disqualified for being chosen as, and for being members of, the Mysore Legislative Assembly.

WHEREAS it is expedient to provide that holders of certain offices of profit shall not be disqualified for being chosen as, and for being members of, the Mysore Legislative Assembly; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Legislative Assembly (Prevention of Disqualification) Act, 195 . Short title and commencement.

(2) It shall come into force at once.

2. A person shall not be disqualified for being chosen as, and for being a member of, the Mysore Legislative Assembly by reason only of the fact that he holds any of the offices of profit specified in the Schedule to this Act. Prevention of Disqualification for membership of the Mysore Legislative Assembly.

3. The State Government may, by notification in the *Mysore Gazette*, add to, or cancel any entry in the Schedule to this Act, and the reference made in section 2 to the Schedule shall be construed as referring to such Schedule as for the time being amended in exercise of the powers conferred by this section. Power to amend the Schedule.

Schedule.

1. Parliamentary Secretaries.
2. Chairman of the Central Beggar Relief Committee.
3. Chairman of the Central Board of Indian Medicine.
4. Chairman of any Government Industrial Concern.
5. Director of any Government Industrial Concern.
6. Chairman of any Committee appointed by Government.

Statement of Objects and Reasons.

Article 191 of the Constitution of India provides *inter alia* that a person shall be disqualified for being chosen as, and for being a member of, the Legislative Assembly or Legislative Council of a State if he holds any office of profit under the Government of India or the Government of a State, other than an office declared by the Legislature of the State by law not to disqualify its holder. It lays down a constitutional principle which has been accepted by the democratic Governments all over the world. The Article itself makes an exception in the case of Ministers either for the Union or for the States. There are, however, certain other offices of profit, the disqualification in respect of which should be removed. The object of this Bill is to give effect to this Article for the removal of disqualification in respect of holders of these offices.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, WEDNESDAY, MARCH 14, 1951.

NOTIFICATION.

Order No. L.D. 3354—Legis. 34-50-1, Bangalore, dated 14th March 1951.

Ordered that the accompanying Mysore Appropriation Act, 1951, which received the assent of His Highness the Maharaja on the third day of March 1951, be published as Mysore Act No. III of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. III OF 1951.

THE MYSORE APPROPRIATION ACT, 1951.

(*Received the assent of His Highness the Maharaja on the third day of March 1951.*)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one;

It is hereby enacted as follows :—

1. This Act may be called the Mysore Appropriation Act, 1951. Short title.

Issue of Rupees 2,04,38,565 out of the Consolidated Fund of the State for the year 1950-51.

2. From and out of the Consolidated Fund of the State there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Two Hundred and Four lakhs Thirty-Eight Thousand and Five Hundred and Sixty-Five rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

SCHEDULE.

No. of vote	Services and Purposes	Sums not exceeding Voted by the Legislative Assembly
	A. Expenditure met from Revenue.	Rs.
2	2. Forest	1,17,300
7	12. General Administration ...	8,17,400
9A	15. Pensions and Allowances ...	50,000
10	16. Stationery and Printing—	
	3. Government Book Depot Educational Books and Maps 2,00,000	
	Deduct—Sale proceeds of Educational Books and Maps 1,99,900	100
		Rs.
11	17. Miscellaneous	21,000
14	20. Police	7,55,500
15	21. Medical	6,10,925

No. of vote	Services and Purposes	Sums not exceeding Voted by the Legislative Assembly
18	24. Civil Works	25,39,750
19	24-A. Communications	2,00,000
19A	24-B. Flying School—Post-war Development Schemes	55,000
20	26. Education	2,00,000
21	27. Agriculture	17,200
	27-A. Animal Husbandry	85,000
23	27-C. Sericulture	1,59,660
24	29. Co-operative Societies	2,02,080
25	30. Grants for Public Improvements	13,900
25A	31. Army	2,80,000
25B	32-B. Expenditure connected with Food and other control measures ...	23,87,200
29	XXV—A. Hydro-Electric Works ...	6,00,000
	B. Capital.	
37	38-B. Other Irrigation works not met from Revenue	16,50,000
38	39. Industrial and other works ...	9,59,000
	C. Expenditure met from Reserve, Depreciation, Road and other Funds.	
42	Industrial Development Fund ...	8,19,750
	D. Disbursement of Advances and Loans.	
44	Advances and Loans	78,97,800
	Total ...	2,04,38,565

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 3355—Legis. 35-50-1, dated Bangalore, 14th March 1951.

Ordered that the accompanying Mysore Court Fees (Amendment) Act, 1951, which received the assent of His Highness the Maharaja, on the 3rd day of March 1951, be published as Mysore Act No. IV of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. IV OF 1951.

THE MYSORE COURT FEES (AMENDMENT) ACT, 1951.

(Received the assent of His Highness the Maharaja on the third day of March 1951.)

An Act further to amend the Mysore Court Fees Act, 1900.

WHEREAS it is expedient further to amend the Mysore Court Fees Act, 1900, (Mysore Act III of 1900), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Court Fees (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. In section 16 of the Mysore Court Fees Act, 1900, (hereinafter referred to as the said Act) for clause (ii), the following clause shall be substituted, namely:— Amendment of section 16 of Mysore Act III of 1900.

"(ii) Written statement not being one mentioned in article 2-A of Schedule I, nor one containing a counter-claim, set off or a prayer other than a prayer for instalments or relating to costs of the suit".

Amendment of Schedule I to Mysore Act III of 1900.

3. In Schedule I to the said Act, after article 2, the fololwing article shall be inserted, namely :—

Number		Proper fee
"2-A. Application or written statement by a defendant in a suit for partition praying for partition of his share in the property sought to be partitioned.	...	The same fee which would have been payable on a plaint, if such defendant instituted a suit for partition."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

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NOTIFICATION.

Order No. L.D. 3356—Legis. 36-50-1, Dated Bangalore, 14th March 1951.

Ordered that the accompanying Mysore Education Cess (Validation of Recovery) Act, 1951, which received the assent of His Highness the Maharaja, on the 3rd day of March 1951, be published as Mysore Act No. V of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT NO. V OF 1951

THE MYSORE EDUCATION CESS (VALIDATION OF RECOVERY) ACT, 1951.

(Received the assent of His Highness the Maharaja on the Third day of March 1951.)

An Act to validate the recovery of education cess levied and collected in the Civil Station of Bangalore, during the period beginning from the first day of July, 1949 and ending with the twenty-first day of March, 1950.

Preamble.

WHEREAS it is expedient to validate the recovery of education cess levied and collected in the Civil Station of Bangalore, by the Municipal Commission of the Civil Station of Bangalore, during the period beginning from the first day of July, 1949, and ending with the seventh day of December, 1949, and by the City of Bangalore Municipal Corporation during the period beginning from the eighth day of December, 1949, and ending with the twenty-first day of March, 1950;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Education Cess (Validation of Recovery) Act, 1951.

(2) It shall come into force at once.

Validation of the collection of education cess.

2. Notwithstanding anything to the contrary contained in any law, no collection of education cess levied and collected in the Civil Station of Bangalore, by the Municipal Commission of the Civil Station of Bangalore, during the period beginning from the first day of July, 1949,

and ending with the seventh day of December, 1949, and by the City of Bangalore Municipal Corporation, during the period beginning from the eighth day of December, 1949, and ending with the twenty-first day of March, 1950, shall be called in question in any proceeding before any court on the ground that the levy and collection of the said cess was not authorised by any law for the time being in force, and anything which has been done during the said period in purported exercise of any such power as is conferred by section 10 of the Mysore Elementary Education Act, 1941, (Mysore Act VI of 1941), and which would have been lawfully done if the Mysore Elementary Education (Amendment) Act, 1949, (Mysore Act XVII of 1949), had come into operation on the first day of July, 1949, shall be deemed to have been lawfully done.

By Order of His Highness the Maharaja,

B. S PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

Order No. L.D. 3357.—Legis. 87-50-1, dated Bangalore, 14th March 1951.

Ordered that the accompanying Mysore Sales Tax (Amendment) Act, 1951, which received the assent of His Highness the Maharaja of Mysore on the 3rd day of March 1951, be published as Mysore Act No. VI of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. VI OF 1951.

THE MYSORE SALES TAX (AMENDMENT) ACT, 1951.

(Received the assent of His Highness the Maharaja on the third day of March 1951.)

An Act further to amend the Mysore Sales Tax Act, 1948.

WHEREAS it is expedient further to amend the Mysore Sales Tax Act, 1948, (Mysore Act XLVI of 1948), for the purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Sales Tax (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. In section 22 of the Mysore Sales Tax Act, 1948, (hereinafter referred to as the said Act), the word "Civil" shall be omitted. Amendment of section 22 of Mysore Act XLVI of 1948.

3. For sub-section (3) of section 24 of the said Act, the following sub-section shall be substituted, namely :— Amendment of section 24 of Mysore Act XLVI of 1948.

"(3) Nothing in this section shall apply to the disclosure of any of the particulars referred to in sub-section (1) ;

(*a*) for the purposes of a prosecution under the Indian Penal Code, in respect of any statement, return, accounts, documents or evidence, or for the purposes of a prosecution under this Act; or

(*b*) to an officer of the Central Government, as may be necessary, for the purpose of enabling that Government to levy or realise any tax imposed by it."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

Order No. L.D. 3358—Legis. 88-50-1, dated Bangalore, the 14th March 1951.

Ordered that the accompanying Mysore Debt Conciliation (Amendment) Act, 1951, which received the assent of His Highness the Maharaja, on the 3rd day of March 1951, be published as Mysore Act No. VII of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. VII OF 1951

THE MYSORE DEBT CONCILIATION (AMENDMENT) ACT, 1951.

(*Received the assent of His Highness the Maharaja on the Third day of March 1951.*)

An Act further to amend the Mysore Debt Conciliation Act, 1937.

WHEREAS it is expedient further to amend the Mysore Debt Conciliation Act, 1937, (Mysore Act VI of 1937), for the purpose hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Debt Conciliation (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. To section 26 of the Mysore Debt Conciliation Act, 1937, the following proviso shall be added, namely :— Amendment of section 26 of Mysore Act VI of 1937.

" Provided that such application is made,

(i) in the case of a suit, within three months after the date of service of summons on the defendant, or within three months from the date of commencement of the Mysore Debt Conciliation (Amendment) Act, 1951, whichever is later ; and

(ii) in the case of any other proceeding, within three months from the date of commencement of the Mysore Debt Conciliation (Amendment) Act, 1951.

Explanation.—A defendant shall be deemed to have been served with summons,

(i) on the date on which summons is served, or

(ii) on the date on which he takes notice of suit and enters appearance, or

(iii) on the date on which he files an application to set aside an *ex parte* decree."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

Order No. L.D. 3359—Legis. 39-50-1, dated 14th March 1951.

Ordered that the accompanying Mysore Survey and Boundaries Act, 1951, which received the assent of His Highness the Maharaja, on the 3rd day of March 1951, be published as Mysore Act No. VIII of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. VIII OF 1951.

THE MYSORE SURVEY AND BOUNDARIES ACT, 1951.

(*Received the assent of His Highness the Maharaja on the third day of March* 1951.)

An Act to provide for a survey of lands and settlement of boundary disputes.

WHEREAS it is expedient to provide for the survey and settlement of boundary disputes in the City of Bangalore and other cities, towns and minor municipalities in the State; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Survey and Boundaries Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once and shall apply to such areas and from such dates as may be notified by the State Government in the *Mysore Gazette* from time to time.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "land" includes anything attached to the earth or permanently fastened to anything attached to the earth;

(b) "registered holder" of any land means the person in whose name the land in question is registered in the State Government accounts or records or the accounts or records of the municipality:

Provided that when any person other than the registered holder is in lawful management of the land otherwise than as agent or servant of the registered holder or as mortgagee or lessee, such person shall be deemed to be the registered holder in respect of such land;

(c) "survey" includes all operations incidental to the determination, measurement and record of a boundary or boundaries or any part of a boundary and includes a resurvey;

(d) "Survey Officer" means any person appointed to be a Survey Officer under section 3;

(e) "survey mark" means any mark or object, erected, made, employed or specified by a Survey Officer to indicate or determine or assist in determining the position or level of any point or points.

Explanation.—Where any land is so registered in the names of two or more persons jointly, the registered holder shall, for the purposes of this Act, be the person who is recognised by the other joint-holders of the land or who, in case of dispute, is recognised by the Deputy Commissioner as senior joint-holder.

State Government to appoint Survey Officers.

3. (1) The State Government may, by notification in the *Mysore Gazette*, appoint any person either by name or by virtue of his office, to be a Survey Officer for all or any of the purposes of this Act.

State Government to publish jurisdiction of Survey Officer.

(2) Subject to the control of the State Government and of any officer or authority appointed by it in this behalf, every person so appointed shall exercise and perform the powers and duties of a Survey Officer within such local limits and for such periods of time as the State Government may direct.

(3) The State Government may delegate its powers under sub-sections (1) and (2) to such officer or authority as it thinks fit.

State Government may delegate powers of control.

4. The State Government or, subject to the control of the State Government, any officer or authority to whom this power may be delegated by it, by notification in the *Mysore Gazette*, may order a survey of any land or of any boundary of such land in the City of Bangalore or other cities, towns and minor municipalities in the State.

State Government may direct the survey of any land or of any boundary of such land.

5. (1) When any survey is ordered under section 4, the Survey Officer shall publish a notification in the prescribed manner, inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered, to attend either in person or by agent at a specified place and time and from time to time thereafter, when called upon for the purpose of pointing out boundaries and supplying information in connection therewith.

Notification to be published by Survey Officer.

(2) A notification published under sub-section (1), shall be held to be a valid notice to every person having any interest in the land or in the boundaries of which the survey has been ordered.

6. The Survey Officer shall carry out the survey in the prescribed manner.

Survey Officer to carry out the survey in the prescribed manner.

7. The cost, if any, of the labour employed and of the survey marks used in any survey notified under section 3, shall be determined and apportioned in the prescribed manner among the persons who have any interest in the land or in the boundaries of which the survey has been ordered and shall be recoverable from such persons as an arrear of land revenue. Notice of such determination and apportionment shall be given in the prescribed manner to the persons aforesaid.

Cost to be charged to persons interested in the lands surveyed.

8. (1) The Survey Officer shall have the power to determine and record, as undisputed any boundary in respect of which no dispute is brought to his notice.

Power of Survey Officer to determine and record an undisputed boundary.

Notice to registered holders of lands affected.

(2) Notice of every decision of the Survey Officer under sub-section (1), shall be given in the prescribed manner to the registered holders of the lands the boundaries of which may be affected by the decision.

Power of Survey Officer to determine and record a disputed boundary.

9. (1) When any boundary is disputed, the Survey Officer, after making such enquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The Survey Officer shall record in writing the reasons for his decision.

Notice to parties to the dispute and to registered holders of lands affected.

(2) Notice of every decision of the Survey Officer under sub-section (1), shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands, the boundaries of which may be affected by the decision.

Appeal against orders under section 7, 8 or 9.

10. (1) Any person affected by a decision under section 7, 8 or 9 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor, shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the Survey Officer's decision, ordered by the appellate authority, shall be noted in the record prepared under section 8 or 9, as the case may be.

(2) A copy of the order and a copy of the map recording the boundaries as determined under section 8, 9 or sub-section (1), shall be furnished to any person interested in such order or map, as the case may be, on his application and at his cost.

Period within which appeal should be preferred.

11. (1) An appeal under section 10 shall be preferred within three months from the date of service of notice under section 7, 8 or 9, provided that the time taken to obtain a copy of the decision and of the map, shall not be included in the period of three months allowed for appeal.

(2) No appeal preferred after the expiry of the said period, shall be admitted, provided that the appellate authority may admit an appeal after the expiry of the said period, on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period.

Explanation.—The fact that notice under section 7, 8 or 9 was not served personally on the appellant, shall be deemed to be good and sufficient cause within the meaning of this sub-section.

(3) No appeal shall be admitted under sub-section (2) after the issue of the notification specified in section 12.

12. When the survey of any land or boundary which has been notified under section 4 has been completed in accordance with the orders passed under section 8, 9 or 10, the Survey Officer shall notify the fact in the *Mysore Gazette* and a copy of such notification shall be posted in the municipal office of the area to which the survey relates; unless the survey so notified is modified by a decree of a civil court under the provisions of section 13, the record of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

Completion of demarcation to be notified.

13. Any person aggrieved by the determination of any boundary under section 8, 9 or 10 may, subject to the provisions of Part II and III of the Mysore Limitation Act, 1911, institute a suit within three years from the date of the notification under section 12, to set aside or modify the said determination and the survey shall, if necessary, be altered in accordance with the final decree in the suit and the alteration, if any, shall be noted in the record.

The plaintiff in such suit shall join as parties to it, all persons whom he has reason to believe to be interested in the boundary which is the subject of the suit.

Institution of a suit in civil court within three years to establish rights claimed in respect of the boundary of the property surveyed.

14. (1) Subject to such conditions as may be prescribed in this behalf, every registered holder of a land shall be bound to maintain, renew, and repair the survey marks on or within the boundaries of his holding, and in default of his doing so, the Survey Officer may, at the cost of the State Government, maintain, renew and repair such survey marks, determine and apportion the cost of so doing and recover such cost as an arrear of land revenue. Such cost may include the cost of all operations incidental to such renewal or repair but not any charges on account of Survey Officers and supervising establishment.

Registered holder responsible for the maintenance of survey marks.

Notice to registered holder.

(2) Before a Survey Officer maintains, renews or repairs any survey marks, he shall serve a notice in writing on the registered holder in the prescribed manner, giving particulars of the survey marks, in respect of which default has been committed and calling upon him to maintain, renew or repair the same within the time to be specified in such notice which shall be not less than fifteen days from the date of service thereof.

Notice to cultivator or other person interested.

(3) If the notice under sub-section (2) cannot be served personally on the registered holder, a copy of the same shall be served also on the tenant or other person interested, in the land.

Duties of municipal authority.

15. It shall be the duty of every municipal authority—

(*a*) to prevent the destruction, injury, removal or alteration of any survey mark on or within the limits of its jurisdiction; and

(*b*) when such municipal authority becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to the prescribed officer.

Power to enter upon, examine and clear obstructions on land.

16. For the purpose of any survey, inquiry or other proceedings under this Act, the Survey Officer or any of the subordinates of such officer shall have power to enter upon, examine and measure any land under survey and to clear by cutting down or removing any trees, fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purposes of the survey.

Power to summon witnesses and require production of documents.

17. Any Survey Officer, generally or specially authorised in that behalf, or any officer to whom an appeal is preferred under any of the provisions of this Act may, for the purpose of rendering assistance in the survey of any land, summon and enforce, the attendance of any person who has an interest therein, and may, for the purposes of any survey, inquiry or other proceedings under this Act, summon and enforce the attendance of any person for giving evidence and for the production of documents and the procedure prescribed in the Code of Civil Procedure, 1911, for summoning and enforcing the attendance of witnesses and for the recording of evidence, shall be followed, as far as it can be made applicable.

18. (1) The Survey Officer may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

Reference to arbitration.

(2) The decision of the Survey Officer passed in accordance with the award of the arbitrator, shall be conclusive between the parties to such arbitration and those claiming under them.

19. (1) In the absence of a contract to the contrary, a registered holder of any land under survey, who incurs any expenses or from whom any expenses are recovered under this Act, in respect of such survey, shall, if he is not the owner thereof, acquire a charge on such land to the extent of the expenses so incurred or recovered from him with interest thereon, at the rate of nine per cent per annum.

Registered holder may recover expenses paid by him from the owner of the land and may acquire a charge upon the land to that extent.

(2) It shall be lawful for any person, claiming an interest in any land under survey, to pay the charges payable under this Act in respect of the survey of such land, though he is not the registered holder thereof; and all such sums, if paid by a tenant or lessee, may be deducted from any rent then or afterwards due by him, in respect of such land and if paid by any other person, interested, or *bona fide* claiming an interest in the land, shall be a charge upon such land. Such sum shall bear interest at nine per cent per annum.

Person claiming an interest may pay charges payable by registered holder and acquire a charge.

(3) When a person entitled under this section to a charge on any land is a co-owner of such land, such charge shall extend only to so much of the amount recovered from or expended or paid by him, as is due, in respect of the share of the other co-owner, in such land with interest at the rate aforesaid.

20. (1) The State Government may, after previous publication, make rules to carry out the purposes of this Act.

State Government may make rules under the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe for different localities, the unit of survey, the sub-divisions thereof and the description of the survey marks; and provide for the maintenance, renewal and repair of such marks;

(*b*) provide for the collection and record of any information in respect of any land which has been or is about to be surveyed;

(*c*) define the class of officers to be appointed to do duty under this Act and the powers to be exercised by such officers;

(*d*) prescribe and regulate the procedure to be followed by those officers in conduct of proceedings under this Act;

(*e*) provide for the publication of all notifications issued under this Act and for the form, issue and service of all orders, communications and notices to be issued, communicated, given or served under this Act;

(*f*) regulate the furnishing of survey marks, labour and other matters necessary for a survey, notified under this Act, and the recovery of charges incidental thereto, when they are recoverable;

(*g*) provide for the apportionment of all charges directed to be apportioned by this Act and for the determination of the cost of labour employed and of the survey marks used in any such survey;

(*h*) prescribe the fee payable for processes issued and copies granted under this Act;

(*i*) prescribe the manner in which arbitrators are to be appointed and regulate the procedure to be followed by them.

Immunity for acts done in good faith or purporting to be so done.

21. No suit or other legal proceedings shall lie against any person for anything in good faith done or purporting to be done under this Act.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

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NOTIFICATION.

No. L.D. 3360—Legis. 490-40-1, dated Bangalore, 14th March 1951.

Ordered that the accompanying Mysore Land Record of Rights (Amendment) Act, 1951, which received the assent of His Highness the Maharaja, on the 3rd day of March 1951, be published as Mysore Act No. IX of 1951, in the *Mysore Gazette* for general informaton.

MYSORE ACT No. IX OF 1951.

THE MYSORE LAND RECORD OF RIGHTS (AMENDMENT) ACT, 1951.

(Received the assent of His Highness the Maharaja on the third day of March 1951.)

An Act further to amend the Mysore Land Record of Rights Act, 1927.

WHEREAS it is expedient further to amend the Mysore Land Record of Rights Act, 1927, (Mysore Act X of 1927), for the purpose hereinafter appearing : Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Land Record of Rights (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. For sub-section (2) of section 11 of the Mysore Land Record of Rights Act, 1927, the following sub-section shall be substituted, namely :— Amendment of section 11 of Mysore Act X of 1927.

"(2) If the plaintiff or applicant fails to comply with the provisions of sub-section (1) and if he, on being required by the Court to produce the certified copy within a reasonable time to be fixed by the Court, or within such

further time as may, from time to time, be allowed by the Court, fails to do so, the plaint or application shall be rejected; but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject matter, with a certified copy annexed."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, FRIDAY, MARCH 16, 1951

PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. E.B. 1164, Bangalore, dated 16th March 1951.

Ordered that the following Notification No. 104-10-51—Elec., dated the 15th March 1951, be published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

ELECTION COMMISSION, INDIA.

NOTIFICATION.

New Delhi, the 15th March 1951.

No. 104-10-51—Elec.—In exercise of the powers conferred by the proviso to sub-rule (2) of rule 10 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, and in modification of its notification No. 104-10-51—Elec., dated the 13th February 1951, the Election Commission hereby extends up to the 31st March 1951, the period within which claims and objections under sub-rule (1) of the said rule are to be made under sub-rule (2) of that rule in respect of the electoral roll for any electoral unit comprised within the State of Mysore.

P. S. SUBRAMANIAN,

Reg. No. M. 1175

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 86] BANGALORE, THURSDAY, MARCH 15, 1951. [No. 11

PART IV

Section I-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L. D. 3030 Legis. 3-50-12, dated Bangalore, 5th January 1951.

Ordered that the following Bills Nos. 95 to 98 of 1950, namely, the Indian Income-Tax (Amendment) Bill, 1950, the Essential Supplies (Temporary Powers) Amendment Bill, 1950, the Jallianwala Bagh National Memorial Bill, 1950, and the Telegraph Wires (Unlawful Possession) Bill, 1950, published in the *Gazette of India*, Part II, Section 2, dated the 9th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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PART II—SECTION 2

BILLS AND REPORT OF SELECT COMMITTEES ON BILLS

PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 7th December, 1950 :—

BILL No. 97 OF 1950

A Bill to provide for the erection and management of a National Memorial to perpetuate the memory of those killed or wounded on the 13th day of April, 1919, in Jallianwala Bagh.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Jallianwala Bagh National Memorial Act, 1950.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "Memorial" means the Jallianwala Bagh National Memorial to perpetuate the memory of those killed or wounded on the 13th day of April, 1919, on the site known as the Jallianwala Bagh, Amritsar;

(*b*) "Trust" means the Trust for the erection and management of the Memorial;

(*c*) "Trustees" means the Trustees of the Jallianwala Bagh National Memorial.

3. *Objects of the Trust*—The objects of the Trust shall be—

(*a*) to erect and maintain suitable buildings, structures and parks at or near the site of the Jallianwala Bagh in the city of Amritsar, to perpetuate the memory of those who were killed or wounded on the 13th day of April, 1919, on the said site;

(*b*) to acquire lands, buildings and other properties for the purposes of the Trust; and

(*c*) to raise and receive funds for the purposes of the Memorial.

4. *Trustees of the Jallianwala Bagh National Memorial.*—(*1*) The Trustees of the Jallianwala Bagh National Memorial shall be the following, namely :—

(*a*) Shri Jawaharlal Nehru,
(*b*) Sardar Vallabhbhai Patel,
(*c*) Maulana Abul Kalam Azad,
(*d*) the President of the Indian National Congress,
(*e*) the Governor of the State of Punjab;
(*f*) the Chief Minister of the State of Punjab, and
(*g*) three persons nominated by the Central Government.

(*2*) The Trustees shall be a body corporate with perpetual succession by the name of the "Trustees of the Jallianwala Bagh National Memorial" and a common seal, and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts and to do all acts necessary for and consistent with the purposes of this Act.

5. *Term of office of Trustees.*—(*1*) The three Trustees mentioned in clauses (*a*), (*b*) and (*c*) of sub-section (1) of section 4 shall be Trustees for life.

(2) Every Trustee nominated under clause (g) of the said sub-section shall be a Trustee for a period of five years, and shall be eligible for renomination.

6. *Property vested in Trustees.*—All the property and funds set out in the Schedule to this Act and all other property, whether movable or immovable, which may hereafter be given, bequeathed or otherwise transferred for the purposes of the Memorial or acquired for the said purposes shall vest in the Trustees.

7. *Power of Trustees to appoint committee of management.*—(1) For the purposes of managing the affairs of the Trust, the Trustees may, by resolution passed at a meeting, appoint a committee of management, and entrust to it such powers, duties and functions, under such directions and limitations. as may be defined by such resolution.

(2) The Trustees may appoint any persons as members of the committee of management, whether such persons are Trustees or not, and may, from time to time, vary or rescind any resolution passed by it under this section.

8. *Validity of acts of Trustees not to be questioned by reason of vacancy, etc.*—No act of the Trustees shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of, the body of Trustees.

9. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which funds belonging to the Memorial shall be kept, deposited or invested;

(b) the mode of authentication of orders for payment of money by the Trustees;

(c) the form in which accounts shall be kept by the Trustees and the audit and publication of such accounts;

(d) the laying out, erection, improvement, maintenance and management of the Memorial and the care and custody of the properties thereof;

(e) the conditions under which the public shall have access to the Memorial or particular parts thereof and the regulation of the conduct of persons entering the precincts of the Memorial;

(f) the preservation of, and the prevention of injury to or interference with, any property vested in the Trustees and for the prevention of persons from trespassing into any particular part of the Memorial.

(3) A rule made under this section may provide that a breach of any rule made under clauses (e) and (f) of sub-section (2) shall be punishable with fine which may extend to one hundred rupees.

10. *Power of Trustees to make regulations.*—The Trustees may make regulations consistent with this Act for all or any of the following purposes, namely :—

(a) the manner in which meetings of the Trustees shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings;

(b) the manner in which a majority decision of the Trustees shall be obtained by circulation to the Trustees of the matter requiring decision;

(c) the term of office of members of the committee of management, their powers and duties, and the circumstances in which and the conditions subject to which such powers and duties may be exercised;

(d) the appointment of such officers and servants as may be necessary for the purposes of the Trust, and their terms and conditions of service.

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THE SCHEDULE

(*See* section 6)

[*Properties vested in Trustees at commencement of Act.*]

PART I—IMMOVABLE PROPERTIES.

1. The piece of land known as the Jallianwala Bagh, Amritsar, measuring 49 kanals 17 marlas, that is to say, 6·37/160 acres or thereabouts.

2. Two pieces of land, one measuring 49½ by 31 feet or thereabouts, and the other 35 by 9¼ yards on the east and by 8 yards on the west or thereabouts, and conveyed to the then Trustees of the Memorial by a deed of sale, registered on the 20th September, 1920 as No. 5960, Bahi No. 1, Volume No. 1572, pages 19 to 46 of the Office of the Registrar, Amritsar.

3. All the buildings and other structures standing on the lands referred to in items 1 and 2 above.

PART II—MOVABLE PROPERTIES.

Item No.	*Description of investments*	*Amount*		
		Rs.	A.	P.
1.	Government of Madras, 3% loan, 1952, No. D.H. 000034 ..	25,000	0	0
2.	Government of Madras, 3% loan, 1952, No. D.H. 000035 ..	25,000	0	0
3.	Fixed Deposit in the Central Bank of India, Ltd., Amritsar	1,10,000	0	0
4.	Interest accrued on Item 3 up to 14th November, 1950 ...	2,750	0	0
5.	In current account in the Central Bank of India, Ltd., Amritsar	6,586	1	1
6.	Government of Uttar Pradesh loan, 1960, purchased through the Punjab National Bank, Amritsar ..	49,675	1	4
7.	Amount placed in sundries in the Punjab National Bank, Amritsar	4,700	12	8
8.	Fixed Deposit in the Bank of Nagpur, Ltd., Wardah, under receipt No. 00518	1,13,270	5	6
9.	Interest on Item 8 above	3,681	4	0
10.	Fixed Deposit in the Bank of Nagpur, Ltd., Wardah, under receipt No. 00519	40,336	13	0
11.	Interest on Item 10 above	1,310	14	0
12.	In current account with Messrs. Bachharaj and Co., Ltd., Bombay	9,573	6	0
13.	Cash in hand on 24th November, 1950	1,872	9	9
14.	Moneys due from Government by way of refund of excess income-tax	Amount not known.		

STATEMENT OF OBJECTS AND REASONS

On the 27th December, 1919, the Indian National Congress passed a resolution at Amritsar that the Jallianwala Bagh be acquired with a view to raising a memorial therein and perpetuating the memory of those who

were killed or wounded in that place on the 13th April, 1919. In pursuance of this resolution, the Jallianwala Bagh Memorial Fund was started in 1919 and, out of the major portion of the subscriptions collected, the site of the Jallianwala Bagh was acquired. Trustees were appointed in whom the property so acquired and the fund so collected were vested. Shri Jawaharlal Nehru and Sardar Vallabhbhai Patel are the present Trustees.

The object of this Bill is to place the Trust on a permanent, statutory basis, establish a body corporate to be known as the Trustees of the Jallianwala Bagh National Memorial, transfer to that body all the property and funds now vesting in the present Trustees and confer upon that body all necessary powers for carrying out the objects of the Trust.

B. R. AMBEDKAR

NEW DELHI;
The 4th December, 1950.

BILL* No. 95 OF 1950

A Bill further to amend the Indian Income-tax Act, 1922.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Indian Income-tax (Amendment) Act, 1950.

2. *Amendment of section 9 (1), Act XI of 1922.*—To sub-section (*1*) of section 9 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), the following *Explanation* shall be added, and, subject to the provisions of section 3 of this Act, shall be deemed always to have been added, namely:—

"*Explanation.*—For the purposes of clause (*iv*) of this sub-section, the expression "annual charge" does not include any tax in respect of property or income from property levied by a local authority or a State Government or the Central Government."

3. *Section 2 not to apply in certain cases.*—Where before the 7th day of October, 1950, the Supreme Court has, on an appeal in respect of the assessment of an assessee for any particular year, held that any tax paid by that assessee in respect of the relevant previous year is an "annual charge not being a capital charge" within the meaning of clause (*iv*) of sub-section (*1*) of section 9 of the said Act, then nothing contained in section 2 of this Act shall apply to the assessment of such assessee for that particular year.

4. *Special procedure for revision in certain cases.*—Where in respect of any assessment of an assessee under the head "Income from property", other than an assessment referred to in section 3, an allowance has, between the 26th day of May, 1950, and the 7th day of October, 1950, been made by an Income-tax authority or the Appellate Tribunal in respect of any municipal or other taxes levied by a local authority or a State Government as an annual charge not being a capital charge, the Income-tax Officer shall revise the assessment by excluding such allowance, and if, in consequence of such revision, any tax is found payable by the assessee, the Income-tax Officer shall serve on the assessee a notice of demand specifying the sum so payable, and such

* The President has, in pursuance of clause (1) of article 117 and clause (1) of article 274 of the Constitution of India, recommended to Parliament the introduction of the Bill.

notice of demand shall be deemed to be issued under section 29 of the said Act, and the provisions of the said Act shall apply accordingly.

5. *Amendment of section 9 (2), Act XI of 1922.*—(1) As from the 1st day of April, 1951, for sub-section (2) of section 9 of the said Act, the following sub-section shall be substituted, namely :—

"(2) For the purposes of this section, the annual value of any property shall be deemed to be the sum for which the property might reasonably be expected to let from year to year :

Provided that where the property is in the occupation of the owner for the purposes of his own residence and the aforesaid sum exceeds ten per cent of the total income of the owner, the annual value of the property shall be deemed to be ten per cent of such total income :

Provided further that where the property is in the occupation of a tenant and the taxes levied by any local authority in respect of the property are, under the law authorising such levy, payable wholly by the owner or partly by the owner and partly by the tenant—

(a) one-half of the total amount of such taxes or one-eighth of the annual value of the property, whichever is less, shall, notwithstanding anything contained in such law, be deemed to be the tenant's liability for such taxes, and

(b) in determining the annual value of the property with reference to the rent payable by the tenant, a deduction shall be made equal to that part, if any, of the tenant's liability which is borne by the owner."

(2) The amendment made by sub-section (1) shall apply to all assessments for the year ending on the 31st day of March, 1952, and for any subsequent year.

6. *Repeal of Ordinance XXVIII of 1950.*—(1) The Indian Income-tax (Amendment) Ordinance, 1950 (XXVIII of 1950), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, as if this Act were in force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to replace the Indian Income-tax (Amendment) Ordinance, 1950 (XXVIII of 1950) and also to provide, with effect from the assessment year 1951-52, for treating a moiety of the aggregate amount of municipal or other local taxes levied by a local authority in respect of the property as the tenant's burden which would be taken into account in determining the annual letting value on the basis of the full rent payable by the tenant.

The question of allowing the municipal and other property taxes as a deduction in computing the income chargeable under section 9 of the Indian Income-tax Act, 1922, had been considered by the Legislature on more than one occasion, and the decision on each occasion was that no such allowance

should be made. The Supreme Court, however, held recently that the expression "annual charge not being a capital charge" occurring in section 9 (*1*) (*iv*) of the Act was wide enough to cover such taxes. It is proposed that the benefit of this interpretation should be given only in the two particular assessments which were the subject-matter of appeal to the Supreme Court. It would be anomalous to give the benefit of this interpretation in the open cases while a large number of assessees whose assessments had become final and conclusive and who had accepted the law as intended by the Legislature during all these years would have been deprived of the benefit.

It is, however, proposed in clause 5 of the Bill that a moiety of the aggregate local taxes should, notwithstanding any provision in any municipal or other law, be treated as the tenant's liability, up to a limit of twelve and a half per cent of the amount of the annual value. The effect of regarding a part of the tax as the tenant's burden would be that, where, under the terms of a particular lease, the tenant has either shifted his burden entirely to the shoulders of the landlord or is bearing less than the assumed burden, the actual rent payable by him under the lease would be deemed to include a portion on account of taxes, and allowance would be made accordingly.

C. D. DESHMUKH.

NEW DELHI;
The 10th November, 1950.

NOTE ON CLAUSE 5

The examples below illustrate how the annual value is to be determined under the new proviso to section 9 (*2*) of the Income-tax Act where local taxes are payable in respect of the property.

I. The rent payable by the tenant is Rs. 6,000 per annum. The total amount of local taxes payable in respect of the property is Rs. 600, of which Rs. 200 is paid by the tenant direct to the local authority, in addition to the rent of Rs. 6,000 paid to the owner.

Half the total amount of local taxes, *i.e.*, Rs. 300 is the tenant's liability, of which the owner bears Rs. 100. Accordingly, in determining the annual value with reference to the rent payable, Rs. 100 will be deducted from Rs. 6,000, and the annual value will be taken as Rs. 5,900.

II. The rent payable by the tenant is Rs. 6,000 per annum. The total amount of local taxes payable in respect of the property is Rs. 1,800, of which Rs. 300 is paid by the tenant direct to the local authority, in addition to the rent of Rs. 6,000 paid to the owner.

Since half the total amount of local taxes, *i.e.*, Rs. 900, is more than one-eighth of the annual value, this one-eighth will be treated as the tenant's liability.

If x is the annual value, $x/8$ is the tenant's liability, of which the tenant bears Rs. 300 and the owner bears Rs. $x/8-300$. Accordingly, the annual value—

$$x = 6{,}000 - \left(\frac{x}{8} - 300\right);$$

$$i.e.\ \frac{9x}{8} = 6{,}300;$$

$$i.e.\ x = 5{,}600.$$

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BILL No. 98 OF 1950

A Bill to regulate the possession of telegraph wires and to provide for the punishment of the offence of unlawful possession thereof.

BE it enacted by Parliament as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Telegraph Wires (Unlawful Possession) Act, 1950.

(2) It extends to the whole of India.

(3) It shall come into force in any State on such date as the Central Government may, by notification in the Official Gazette, appoint for such State, and different dates may be appointed for different States.

2. *Definitions.*—In this Act,—

(a) "prescribed" means prescribed by rules made under this Act;

(b) "telegraph wire" means copper wire of any one of the following gauges commonly used in telegraph lines, namely, one hundred and fifty pounds per mile, two hundred pounds per mile, or three hundred pounds per mile.

3. *Duty to declare possession of telegraph wires.*—Every person in possession of telegraph wires shall, within six months from the commencement of this Act, make a declaration in writing, in such form and to such authority as may be prescribed, stating the quantity of telegraph wires in his possession.

4. *Duty to have telegraph wires converted or sold.*—Every person in possession of telegraph wires which exceed ten pounds in weight shall, within one year from the commencement of this Act, have the whole of the quantity as is in excess of ten pounds converted into ingots:

Provided that it shall be open to any such person to sell the whole or any part of the telegraph wires in his possession at such price and to such authority as may be prescribed.

5. *Penalty for unlawful possession of telegraph wires.*—Whoever is found or is proved to have been in possession of any quantity of telegraph wires which the court has reason to believe to be, or to have been, the property of the Posts and Telegraphs Department of the Central Government shall, unless he proves that the telegraph wires came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both:

Provided that where a person has made a declaration under section 3 in relation to any quantity of telegraph wires, the burden of proving, in respect of the quantity so declared, that it came into his possession lawfully, shall not be on such person.

6. *Penalty for contravention of provisions of section 3 or section 4.*—Any person who fails to make a declaration as required by section 3 or fails to comply with the provisions of section 4 shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

7. *Cognizance of offences.*—(1) No court shall take cognizance of any offence punishable under this Act, save on complaint made by or under the authority of the Central Government or by an officer specially empowered in this behalf by that Government.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

8. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form in which, and the authorities to which, declarations under section 3 may be made ;

(b) the authorities to which, and the prices at which, telegraph wires may be sold under section 4.

STATEMENT OF OBJECTS AND REASONS

Thefts of copper wires used in telegraph lines have been so rampant that tele-communications in several parts of the country, particularly in West Bengal, Bihar, Orissa and Mysore were considerably dislocated during the last two years. With the co-operation of the State Governments, the Posts and Telegraphs Department have been making energetic efforts to prevent such crimes as well as to punish the offenders. In bringing the offenders to book in a court of law, however, they have been experiencing great difficulty in establishing the identity of the stolen property, especially as large quantities of copper wires had been sold to the public by the Disposals Directorate since the termination of the war. Many offenders have escaped due only to the failure to prove in court that the wires found in their possession were stolen from the Posts and Telegraphs Department. It is apprehended that such thefts are engineered and organised systematically, and that the situation might deteriorate if the prosecutions continue to fail.

2. The copper wires used in telegraph lines are of distinctive gauges, *viz.*, 150 lbs., 200 lbs. and 300 lbs. per mile and except for the stocks sold by the Disposals Directorate, wire of these gauges is not in the market. It would not, therefore, be unreasonable to presume that any person found in possession of copper wire of any of these gauges came into such possession unlawfully, except in the case of persons who purchased them from Disposals stock.

3. The present Bill seeks to make unlawful possession of telegraph wires an offence punishable with imprisonment for five years or with fine or with both and placing the burden of proving lawfulness of possession on the accused.

RAFI AHMAD KIDWAI.

NEW DELHI ;

The 18th November, 1950.

BILL No. 96 OF 1950

A Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1950.

2. *Amendment of section 3, Act XXIV of 1946.*—In section 3 of the Essential Supplies (Temporary Powers) Act, 1946,—

(*a*) in sub-section (*1*), for the words "notified order" the word "order" shall be substituted;

(*b*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) An order made under sub-section (*1*) shall,—

(*a*) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette; and

(*b*) in the case of an order affecting an individual person, be served on such person—

(*i*) by delivering or tendering it to that person, or

(*ii*) by affixing it on the outer door or some other conspicuous part of the premises in which that person lives."

3. *Repeal of Ordinance XXXI of 1950.*—(*1*) The Essential Supplies (Temporary Powers) Amendment Ordinance, 1950 (XXXI of 1950) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

(*3*) References in section 2 of this Act to any provision of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) shall be construed as references to that provision as in force immediately before the commencement of the said Ordinance.

STATEMENT OF OBJECTS AND REASONS

Power to make orders under section 3 of the Essential Supplies (Temporary Powers) Act, 1946, in respect of procurement of foodgrains, etc., has been delegated to the district magistrates and sub-divisional officers. These officers have to make countless orders under section 3 requiring stockholders individually to sell their stocks of foodgrains to specified persons. Under section 3 of the Act, such orders have to be published in the Official Gazette. The publication in the Official Gazette of the voluminous number of orders that may have to be made by these officers would naturally be cumbrous and inconvenient. Moreover, the object of the order is, in certain cases, likely to be delayed or defeated by the unavoidable loss of time involved in completing the formality of the publication of the order in the Official Gazette. The purpose of providing that an order under the Essential Supplies (Temporary Powers) Act should be notified in the Gazette is to give notice to the persons affected. In the case of orders which are to be served on individuals, it is enough if the individual affected is notified so that he may have an opportunity of complying with it or objecting against it. An Ordinance was, therefore, issued wherein it was provided that orders against individuals need not be published in the Official Gazette, though orders of a general nature will continue to be notified in the Gazette as before. The object of the present Bill is to convert the Ordinance into an Act of Parliament.

K. M. MUNSHI.

NEW DELHI;
The 1st December, 1950.

M. N. KAUL,
Secretary.

Printed by the Director of Printing, Stationery and Publications

PART IV

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Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L. D. 3034—Legis. 2-50-52, dated Bangalore, 5th January 1951.

Ordered that the following Supply and Prices of Goods Act, 1950 (LXX of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 23rd December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

Received Assent on 23rd December 1950

THE SUPPLY AND PRICES OF GOODS ACT, 1950

(LXX OF 1950)

AN

ACT

to provide, in pursuance of a resolution under article 249 of the Constitution, for the control of prices of certain goods, and the supply and distribution thereof.

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(*1*) This Act may be called the Supply and Prices of Goods Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) "dealer" means a person carrying on the business of selling any goods, whether wholesale or retail;

(b) "goods" means goods to which this Act applies;

(c) "notified order" means an order notified in the Official Gazette;

(d) "offer for sale" includes an intimation by a person of the price proposed by him for a sale of any goods made by the publication of a price list, by exposing his goods for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "producer" includes a manufacturer:

(2) A person shall be deemed to be in possession of goods—

(i) when they are held on behalf of that by another person;

(ii) notwithstanding that they are mortgaged to another person.

3. *Goods to which this Act applies.*—Subject to the other provisions contained herein, this Act applies to the goods specified in the Schedule and to such other goods as the Central Government may, by notified order, specify in this behalf.

4. *Fixing of maximum prices and maximum quantities which may be held or sold.*—(1) The Central Government may, by notified order, fix in respect of any goods—

(a) the maximum price or rate which may be charged by a dealer or producer;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer;

(c) the maximum quantity which may in one transaction be sold to any person.

(2) Any such order may—

(a) fix maximum prices or rates and maximum quantities for the same description of goods differently in different localities or for different classes of dealers or producers;

(b) instead of specifying the maximum price or rate to be charged, direct that that price or rate shall be computed in such manner and by reference to such matters as may be provided by the order.

5. *Restrictions on possession and sale by dealers and producers where maximum is fixed under section 4.*—(1) No dealer or producer shall—

(a) sell or agree to sell or offer for sale to any person any goods for a price or at a rate exceeding the maximum fixed under clause (a) of sub-section (1) of section 4;

(b) have in his possession at any one time a quantity of any goods exceeding the maximum fixed under clause (b) of sub-section (1) of section 4, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7; or

(c) sell or agree to sell or offer for sale to any person in any one transaction a quantity of any goods exceeding the maximum fixed under clause (c) of sub-section (1) of section 4.

(2) Where any goods are sold, agreed to be sold or offered for sale in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless he proves that he exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, shall be liable to the punishment provided by sub-section (1) of section 14.

(3) Where a dealer or producer disposes of any goods by having them sold by auction on his behalf, the auctioneer, as well as the dealer or producer, shall be liable to the punishment provided by sub-section (1) of section 14, if in any such sale there is a contravention of clause (c) of sub-section (1).

6. *General limitation of quantity which may be possessed at any one time.*—(1) No person shall have in his possession at any one time a greater quantity of any goods to which this section applies than the quantity necessary for the reasonable needs of himself and his family for the prescribed period, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7:

Provided that nothing contained in this sub-section shall apply—

(a) to a dealer in respect of any goods sold or purchased by him in the course of his business, or

(b) to a producer in respect of any goods produced by him.

(2) For the purposes of this section, the Central Government may prescribe the circumstances and matters which shall be taken into account in determining the reasonable needs of any person, and may prescribe different periods for different areas or for different classes of goods.

(3) Notwithstanding anything contained in section 3, this section shall apply only to such goods as the Central Government may, by notified order, specify in this behalf.

7. *Duty to declare possession of excess stocks.*—Any person having in his possession a quantity of any goods exceeding that permitted by or under this Act shall forthwith report the fact to the Central Government or to any officer appointed by it in this behalf and shall take such action as to the storage, distribution or disposal of the excess quantity as may be prescribed or as the Central Government or such officer may direct.

8. *Holding of stocks.*—(1) If any dealer has in his possession in the course of his business a stock of any goods and the said dealer or any person employed by him to sell goods in the course of his business, when asked by any other person (hereafter in this section referred to as "the buyer") to sell goods of that description or whether he or his employer has such goods for sale—

(i) refuses to sell the goods, or denies that he or his employer has the goods, or by words or conduct intentionally causes the buyer to believe that he or his employer has not got the goods or will not or cannot sell them, or

(*ii*) offers to sell the goods subject to a condition requiring the buying of any other goods or subject to any other conditions except the condition that the buyer shall pay the price forthwith or take delivery within a reasonable time,

the dealer carrying on the business shall be guilty of an offence under this Act.

(*2*) It shall be a defence for a person charged with any such offence to prove that the sale of the goods or the sale thereof without the fulfilment of the condition proposed by him, would, having regard to the quantity of goods which he or that person was requested to sell or any other consideration—

(*a*) be contrary to the normal practice of his business; or

(*b*) involve a breach of some obligation lawfully binding on him; or

(*c*) interfere with arrangements made by him for an orderly disposal of his stock among his regular customers.

9. *Cash memorandum to be given of certain sales.*—(*1*) Every dealer or producer, when selling goods for cash shall, if the amount of the purchase is rupees ten or more, in all cases, and if the amount of the purchase is less than rupees ten, when so required by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(*2*) The Central Government may prescribe the particulars to be contained in any such cash memorandum.

(*3*) Notwithstanding anything contained in section 3, this section shall apply to all goods, whether they are goods to which this Act applies within the meaning of that section or not, but the Central Government may, by notified order, exempt specified areas, classes of dealers or producers or classes of goods from the operation of this section.

10. *Making of prices and exhibiting price lists and stocks.*—(*1*) The Central Government may direct dealers or producers in general, or any dealer or producer or class of dealers or producers in particular, to mark goods exposed or intended for sale with the sale prices or to exhibit at some easily accessible place on the premises price lists of goods held for sale and also to similarly exhibit on the first day of every month, or at such other intervals as may be prescribed, a statement of the total quantities of any such goods held in stock, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(*2*) No dealer shall destroy or efface, or alter or cause to be destroyed, effaced or altered, any label or mark affixed—

(*a*) to any goods in pursuance of a direction under sub-section (*1*) or

(*b*) to any goods and indicating the price marked by a producer.

(*3*) Notwithstanding anything contained in section 3, the Central Government may, by notified order, declare that the provisions of this section shall also apply to any goods other than those to which this Act applies within the meaning of that section.

11. *Obligation to state prices separately on composite offer.*—Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect of both of a sale of any goods and of some other matter, the dealer or producer making the offer shall state

in writing the price which he assigns to the goods, if he is required so to do by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act, to be an offer to sell the goods at the price so stated.

12. *Prohibition of closure of shops.*—No dealer in any goods shall keep his shop closed with the intention of avoiding the regular sale of such goods and thereby obtaining a higher price for the goods at a later date.

13. *Power to regulate production and distribution of goods.*—The Central Government may, by general or special order,—

(*a*) prohibit the disposal of any goods except in such circumstances and under such conditions as may be specified in the order;

(*b*) direct the sale of the whole or a specified part of the stock of any goods at such prices and to such persons or class of persons or in such circumstances as may be specified in the order;

(*c*) regulate by licences, permits or otherwise the production, supply, storage, transport or distribution of any goods or the use of any goods in any industry.

14. *Penalties.*—(*1*) Any person who contravenes any of the provisions of this Act, or of any orders or rules made thereunder, shall, if no other punishment is specified therefor in this Act, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both:

Provided that where the person is guilty of an offence under section 8, the court shall sentence him to imprisonment for a term which may extend to three years, and may in addition impose a sentence of fine.

(*2*) Any person who fails to comply with any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(*3*) A court convicting any person of an offence punishable under this Act may order that the goods in respect of which the offence has been committed or a specified part thereof shall be forfeited to the Government.

15. *Offences by Corporations.*—(*1*) Where any person, contravening any of the provisions of this Act or of any order or direction made thereunder is a company or other body corporate, every person, who, during the relevant period, was in charge of, and was responsible to the company or other body corporate during that period for the conduct of the business of the establishment in or in relation to which the contravention has taken place, as well as the company or other body corporate, shall be deemed to be guilty of such contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person so in charge or responsible liable to any punishment provided in this Act, if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act or any order or direction made thereunder has been committed by a company or other body corporate and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or

other officer of the company or other body corporate, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

16. *Powers of search and seizure.*—(1) For the purpose of enforcing the provisions of this Act, the Central Government may, by general or special order, authorise any officer not below the rank of an inspector of police—

(a) to enter and search any premises, vehicles, vessels or aircraft occupied for the purpose of the business in any goods or where any such goods may be found;

(b) to seize any goods in respect of which he has reason to believe that an offence under this Act has been committed and thereafter to take all such measures as may be necessary for securing the production of such goods in Court.

(2) If any person obstructs an officer in the exercise of the powers conferred upon him by this section he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

17. *Procedure.*—No offence punishable under this Act shall be inquired into by any person below the rank of an inspector of police and no prosecution for any such offence shall be instituted except with the previous sanction of the Central Government or of an officer not below the rank of a district magistrate empowered by the Central Government to grant such sanction.

18. *Summary trials.*—(1) Notwithstanding anything contained in section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), a magistrate empowered to act under that section may try any offence punishable under this Act in a summary way under the provisions of Chapter XXII of the said Code, and shall so try any such offence unless he is of opinion that in the event of the offence being proved a sentence which he is empowered under that Chapter to impose would be insufficient.

(2) Notwithstanding anything contained in section 362 of the said Code, a presidency magistrate trying an offence punishable under this Act shall not record the evidence or frame a charge unless he is of opinion that in the event of the offence being proved a sentence against which, in accordance with the provisions of sections 404 and 411 of the said Code no appeal lies, would be insufficient:

Provided that, where at any subsequent stage of a trial commenced in accordance with this sub-section, it appears to the presidency magistrate that in the event of the offence being proved such sentence as aforesaid would be insufficient, he shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided in the said section 36[illegible] for a case in which an appeal lies.

(3) Notwithstanding anything contained in section 526 of the said Code no decision of a court to try any offence punishable under this Act otherwise than in the summary manner provided by this section shall be a valid ground on which to make an application under that section.

(4) References in this section to the Code of Criminal Procedure, 1898 or to any provision thereof shall, in relation to any Part B State to which this Act extends, be construed as references to the corresponding law or to the corresponding provision thereof in force in that State.

19. *Accounts and information.*—(*1*) The Central Government may direct any dealer or producer to keep such books, accounts and other records in relation to all sale and purchase transactions entered into by him as it thinks necessary.

(*2*) The Central Government may direct a dealer or producer—

(*a*) to produce to, and allow to be examined by, a person specified in this behalf such books, accounts or other documents in the custody or under the control of the person so required as may be specified or described in the direction being documents relating to the transactions or business the examination of which may be required for the purpose of this Act; and

(*b*) to furnish to a person so specified such information as respects the transaction or business as may be required for the purposes of this Act or such other information as may be in his possession in relation to the business carried on by another person.

(*3*) The Central Government may, by notified order, issue to all dealers and producers of a specified class a direction such as is referred to in sub-section (*1*) or in clause (*a*) of sub-section (*2*).

20. *Restriction on disclosure of information.*—(*1*) No information with respect to any particular business which has been obtained under this Act shall, without the consent of the person carrying on that business, be disclosed otherwise than in connection with the execution of this Act:

Provided that nothing in this section shall apply to a disclosure of information made for the purpose of any criminal proceedings which may be taken whether by virtue of this Act or otherwise, or for the purposes of any other law for the time being in force.

(*2*) If any person discloses any information in contravention of the provisions of this section he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

21. *Power to exempt.*—The Central Government may, by notified order, exempt any person or any goods or class of goods from all or any of the provisions of this Act or of any order made thereunder.

22. *Delegation of powers.*—(*1*) The Central Government may, by notified order, direct that any power exercisable by it under this Act (except the power given to it under section 3, shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Central Government or by such State Government as may be specified in the direction.

(*2*) Any power exercisable by a State Government by virtue of a direction under sub-section (*1*) may, unless otherwise provided in such direction, be exercised also by such officer or authority subordinate to that State Government as it may, by notified order, specify in this behalf.

23. *Power to issue directions to State Governments.*—The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any order or direction made thereunder.

24. *Bar of legal proceedings.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

25. *Saving of other laws.*—The provisions of the Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating the keeping, searching, distribution, disposal or price of goods.

26. *Power to make rules.*—(*1*) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the objects of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the matters referred to in sub-section (*2*) of section 6;

(*b*) the particulars to be contained in any cash memorandum under section 9;

(*c*) the manner in which prices may be marked on goods and price lists exhibited;

(*d*) the issue of licences under section 13, and the attachment of any conditions thereto and the levying of a fee therefor;

(*e*) any other matter which is to be or may be prescribed.

27. *Repeal of Ordinance XXVI of 1950.*—(*1*) The Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

THE SCHEDULE

(*See* section 3)

GOODS TO WHICH THIS ACT APPLIES

1. Non-ferrous metals, including brass (unwrought and semi-manufactured).
2. Bicycles, bicycle parts and accessories.
3. Cycle tyres and tubes.
4. Electric bulbs.
5. Caustic soda.
6. Soda ash.
7. Tanning materials (wattle bark, wattle extract, quebracho).
8. Raw rubber.
9. Casein.
10. Infants foods (Glaxo, Horlicks, Cow and Gate Milk and Ostermilk).

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NOTIFICATION.

No. L. D. 3037—Legis. 2-50-55, dated Bangalore, 5th January 1951.

Ordered that the following Representation of the People (Amendment) Act, 1950 (LXXIII of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 23rd December 1950, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 23rd December 1950.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1950 (LXXIII OF 1950)

AN

ACT

to amend the Representation of the People Act, 1950.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Representation of the People (Amendment) Act, 1950.

2. *Amendment of the long title, Act XLIII of 1950.*—In the long title of the Representation of the People Act, 1950 (hereinafter referred to as the said Act), after the words "the preparation of electoral rolls" the words and letter "the manner of filling seats in the Council of States to be filled by representatives of Part C States" shall be inserted.

3. *Amendment of section 2, Act XLIII of 1950.*—In section 2 of the said Act, after clause (*c*) the following clause shall be inserted, namely :—

"(*cc*) 'Council of States constituency' means a constituency provided by order made under section 27C for the purpose of election of members to the electoral college for any Part C State or group of such States referred to in section 27A ;"

4. *Amendment of section 16, Act XLIII of 1950.*—In section 16 of the said Act—

(*a*) in clause (*c*) of sub-section (*1*), after the word "corrupt" the words "and illegal" shall be inserted ; and

(*b*) to sub-section (*2*), the following proviso shall be added, namely :—

"Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (*c*) of sub-section (*1*) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal."

5. *Insertion of new section 22A in Act XLIII of 1950.*—After section 22 of the said Act, the following section shall be inserted, namely :—

"*22A. Special provisions with regard to electoral rolls first prepared under the Act.*—(*1*) Notwithstanding anything contained in the foregoing provisions of this Part the first electoral rolls under this Act shall be prepared in relation to such areas (referred to in this Act as 'electoral units') in each State as the Election Commission may, in consultation with the Government of that State, direct.

(*2*) An electoral roll prepared under sub-section (*1*) shall be published in such manner and at such places as may be prescribed by reference to the electoral unit for which the roll has been prepared for the purpose of inviting claims for inclusion in, or objection to, such roll.

(*3*) For the purpose of the preparation of electoral rolls under sub-section (*1*) and the claims and objections referred to in sub-section (*2*), the provisions of sections 15, 17, 18, 19, 20 and 22 shall have effect as if for any reference to a constituency in the said sections there were substituted a reference to an electoral unit.

(*4*) After the constituencies in a State have been determined under Part II and after the claims and objections in respect of the electoral rolls for all the electoral units or parts thereof comprised in a constituency so determined have been disposed of in accordance with the rules made in that behalf under section 28 and such electoral rolls have been altered in accordance with the decisions given on such claims and objections, the electoral rolls for all such electoral units and parts thereof so altered shall be republished in the manner prescribed as the electoral roll for such constituency and shall, on such republication, be deemed to be the electoral roll prepared under this Act for that constituency."

6. *Amendment of section 26, Act XLIII of 1950.*—In section 26 of the said Act, after the words and figures "sections 15 to 25", the brackets, words, figures and letter "(including the special provisions contained in section 22A)" shall be inserted.

7. *Amendment of section 27, Act XLIII of 1950.*—In sub-section (*4*) of section 27 of the said Act, after the figures "23" the brackets and words "(excluding the proviso)" shall be inserted.

8. *Insertion of new Part IV A in Act XLIII of 1950.*—After Part IV of the said Act, the following Part shall be inserted, namely :—

"PART IV A

MANNER OF FILLING SEATS IN THE COUNCIL OF STATES TO BE FILLED BY REPRESENTATIVE OF PART C STATES.

27A. *Constitution of electoral colleges for the filling of seats in the Council of States allotted to Part C States.*—(*1*) For the purpose filling any seat or seats in the Council of States allotted to any Part

C State or group of such States in the Fourth Schedule to the Constitution there shall be an electoral college for each such State or group of States :

Provided that for the purpose of filling the seat allotted to the States of Ajmer and Coorg there shall be an electoral college only for the State of Ajmer :

Provided further that for the purpose of filling the seat allotted to the States of Manipur and Tripura there shall be an electoral college for each of the said States.

(*2*) The electoral college for each State or group of States specified in the first column of the Fifth Schedule shall consist of the number of members specified in the second column thereof opposite to that State or group of States to be chosen by direct election.

(*3*) The electoral college first constituted under this Act for any State or group of States so specified shall be reconstituted by a fresh election every time when there is a general election held in that State or group of States for the purpose of election of members to the House of the People, and on every such reconstitution the electoral college for that State or group of States functioning immediately before such reconstitution shall be deemed to be dissolved and the electoral college so reconstituted shall be the electoral college for such State or group of States, as the case may be, for the purposes of this Act.

(*4*) Any casual vacancy in the seat of a member of an electoral college for any such State or group of States as is referred to in sub-section (*2*) shall be filled by election held in the constituency concerned in the manner in which the election of that member to such seat was held.

(*5*) The electoral college for the State of Delhi shall consist of—

(*a*) the members of the House of the People representing that State ;

(*b*) the non-official members of the Advisory Council of the Chief Commissioner of Delhi ; and

(*c*) the non-official members of every cantonment board, district board, municipal committee and notified area committee within that State.

27B. *Council of States constituencies.*—For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be the constituencies provided by order under section 27C and no other constituencies.

27C. *Delimitation of Council of States constituencies.*—As soon as may be after the commencement of this Act, the President shall by order determine—

(*a*) the constituencies into which each State or group of States specified in the first column of the Fifth Schedule shall be divided for the purpose of election of members to the electoral college for such State or group of States ;

(*b*) the extent of each constituency ; and

(*c*) the number of seats allotted to each constituency.

27D. *Power to alter or amend orders.*—The President may, from time to time, after consulting the Election Comission, by order, alter or amend any order made by him under section 27C.

27E. *Procedure as to orders delimiting constituencies.*—(*1*) The Election Commission shall,—

(*a*) in consultation with the Advisory Committee set up under sub-section (*1*) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, formulate proposals as to the delimitation of constituencies in that State under section 27C, and

(*b*) in consultation with the Advisory Committee set up under the said sub-section in respect of Himachal Pradesh, formulate proposals as to the delimitation of constituencies in the States of Bilaspur and Himachal Pradesh under section 27C,

and submit the proposals to the President for making the order under the said section 27C.

(*2*) Every order made under section 27C shall be laid before Parliament as soon as may be after it is made and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid.

27F. *Electoral rolls for Council of States constituencies.*—(*1*) For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be an electoral roll for every Council of States constituency in that State or group of States.

(*2*) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III as relate to the areas comprised within a Council of States constituency shall be deemed to be the electoral roll for that Council of States constituency.

27G. *Termination of membership of electoral college for certain disqualifications.*—If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of the electoral college.

27H. *Manner of filling of seats in the Council of States allotted to Part C States.*—Save as otherwise provided in section 27I the seat or seats in the Council of States allotted to any Part C State, or group of such States in the Fourth Schedule to the Constitution shall be filled by a person or persons elected by the members of the electoral college for such State or group of States in accordance with the system of proportional representation by means of the single transferable vote.

27I. *Special provisions for the filling of the seats in the Council of States allotted to the States of Ajmer and Coorg and the States of Manipur and Tripura.*—(*1*) The seat in the Council of States allotted to the States of Ajmer and Coorg in the Fourth Schedule to the Constitution shall be filled by a person elected by the members of the electoral college for the State of Ajmer and by the elected members of the Coorg Legislative Council in rotation, that is to say, at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Ajmer and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the elected members of the Coorg Legislative Council.

(2) The seat in the Council of States allotted to the States of Manipur and Tripura in the said Schedule shall be filled by a person elected by the members of the electoral college for the State of Tripura and by the members of the electoral college for the State of Manipur in rotation, that is to say, at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Tripura and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Manipur.

(3) The casual vacancy in the seat allotted to the States of Ajmer and Coorg or to the States of Manipur and Tripura shall be filled by election in the State in which the election to fill the seat was held at the last preceding general or biennial election, as the case may be.

(4) Every election held under sub-section (1), sub-section (2) or sub-section (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote.

27J. *Power of electoral colleges or the Coorg Legislative Council to elect notwithstanding vacancies therein.*—No election by the members of an electoral college or the elected members of the Coorg Legislative Council under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college or Council, as the case may be.

27K. *Replacement of electoral colleges by bodies created under article 240 to function as legislatures.*—Notwithstanding anything contained in the foregoing provisions of this Part—

(a) if a body is created by Parliament by law under article 240 for any of the States specified in the first column of the Fifth Schedule, for that State, then after such body has been constituted it shall not other than Bilaspur and Himachal Pradesh, to function as a legislature be necessary to constitute or reconstitute any electoral college for that State and on the constitution of such body any electoral college for the time being functioning for such State shall be deemed to be dissolved, and section 27H or section 27I, as the case may be, shall in its application to that State have effect as if for any reference to the electoral college for such State in that section there were substituted a reference to the body so created for such State;

(b) if any such body as aforesaid is so created for each of the States of Bilaspur and Himachal Pradesh, then after both such bodies have been constituted, it shall not be necessary to constitute or reconstitute any electoral college for those States and on the constitution of both such bodies any electoral college for the time being functioning for those States shall be deemed to be dissolved, and section 27H shall, in its application to that group of States, have effect as if for the reference to the electoral college for the said group of States in that section there were substituted a reference to the bodies so created for those States; and

(c) if any such body as aforesaid is so created for the State of Coorg, then on the constitution of such body section 27I shall, in its application to that State, have effect as if for any reference to the Coorg Legislative Council in that section there were substituted a reference to the body so created for such State."

9. *Amendment of section 28, Act XLIII of 1950.*—In clause (*b*) of sub-section (*2*) of section 28 of the said Act, the words "in the constituencies to which they relate" shall be omitted.

10. *Addition of new Fifth Schedule to Act XLIII of 1950.*—After the Fourth Schedule to the said Act, the following Schedule shall be added, namely:—

"THE FIFTH SCHEDULE

[*See* sections 27A (*2*), 27B, 27C (*a*), 27E(*1*), 27F(*1*) and 27K(*a*)]

Number of members of Electoral Colleges

Name of State 1	Number of members 2
1. Ajmer	30
2. Bhopal	30
3. Bilaspur and Himachal Pradesh	42
4. Kutch	30
5. Manipur	30
6. Tripura	30
7. Vindhya Pradesh	60"

11. *Repeal of Ordinance XXIX of 1950.*—(*1*) The Representation of the People (Amendment) Ordinance, 1950 (XXIX of 1950), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act as amended by the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the said Act as amended by this Act as if this Act were in force on the day on which such thing was done or such action was taken.

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

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NOTIFICATION.

No. L.D. 3029—Legis. 2-50-51, dated Bangalore, 5th January 1951.

Ordered that the accompanying Indian Tariff (Fourth Amendment) Act 1950 (LXIX of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 21st December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 20th December 1950.

THE INDIAN TARIFF (FOURTH AMENDMENT) ACT, 1950 (LXIX OF 1950).

AN

ACT

further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Tariff (Fourth Amendment) Act, 1950.

2. *Insertion of new section 4A in Act XXXII of* 1934.—After section 4 of the Indian Tariff Act, 1934 (hereinafter referred to as the said Act), the following section shall be inserted, namely :—

"4A. *Emergency power of Central Government to increase or levy export duties.*—(1) Where in respect of any article, whether included in the Second Schedule or not the Central Government is satisfied that the export duty leviable thereon should be increased or that an export duty should be levied, and that circumstances exist which render it necessary to take immediate action, the Central Government may, by notification, in the Official Gazette, direct a temporary amendment of the Second Schedule to be made so as to provide for an increase in the export duty leviable, or as the case may be, the levy of an export duty, on that article.

(2) Every such notification shall be laid before Parliament, if it is in session, as soon as may be after the issue of the notification, and if it is not in session, within seven days of its reassembly, and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before it ; and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

(3) Subject to the provisions of sub-section (2) of this section and section 21 of the General Clauses Act, 1897 (X of 1897), every such notification shall have effect on and from the date, thereof, but shall cease to have effect on the 1st day of March 1952."

3. *Amendment of Second Schedule, Act XXXII of* 1934.—In the Second Schedule to the said Act,—

(*a*) in Item No. 2,—

(*i*) in the last column of sub-item (i), for the entry "Rs. 50", the entry "Rs. 150" shall be substituted;

(*ii*) in the last column of sub-item (ii), for the entry "Rs. 350", the entry "Rs. 1,500" shall be substituted;

(*b*) in the last column of Item No. 3, for the entry "Rs. 100", the entry "Rs. 400" shall be substituted;

(*c*) after Item No. 3, the following Item shall be inserted, namely :—

"3 (1)	Cotton waste (all sorts)	...	50 per cent. *ad valorem*"

(*d*) the following item shall be inserted at the end, namely :—

"12	Raw wool	...	30 per cent. *ad valorem*".

4. *Export duty not leviable on raw wool in certain cases.*—Notwithstanding anything contained in the said Act, as amended by this Act, no export duty shall be leviable on raw wool which is exported from India within a period of thirty days from the 8th day of November, 1950, under and in accordance with the conditions of a licence issued before the said date by competent authority.

5. *Repeals and savings.*—(1) The Indian Tariff (Amendment) Ordinance, 1950 (XXX of 1950), and the Indian Tariff (Second Amendment) Ordinance, 1950 (XXXII of 1950), are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under any of the Ordinances aforesaid shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

(3) References in this Act to the Second Schedule to the said Act shall be construed as references to that Schedule as in force immediately before the 21st day of October, 1950.

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PART IV

Section I-C

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 3031—Legis. 6-50-73, Bangalore, dated 5th January 1951.

Ordered that the accompanying Notifications No. S.R.O. 335 and 336, dated the 16th December 1950, of the Ministry of Defence, amending the Territorial Army Rules, 1948, and the Notification No. S.R.O. 117, dated 22nd July 1950, under the National Cadet Corps Act, 1948, published in the *Gazette of India*, Part II, Section 4, dated the 16th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

S.R.O. 335.—In exercise of the powers conferred by Section 14 of the Territorial Army Act, 1948 (LVI of 1948), the Central Government is pleased to direct that the following amendment shall be made in the Territorial Army Rules, 1948, namely :—

After clause (*c*) of Rule 20 (1) of the said Rules, the following clause shall be inserted, namely :—

"(*d*) Junior Commissioned Officers and other ranks (other than permanent staff) up to five per cent of the authorised establishment of the unit, may be employed at the discretion of the Area/Independent Sub-Area Commander for a period of seven days before training commences and for a period of four days after training ends, for the purpose of pitching and striking camp and issuing and taking into store clothing and equipment, etc."

[Case No. M. of D.Dy. No. 10588D.1.]

S.R.O. 336.—In exercise of the powers conferred by sub-section (2) of Section 12 of the National Cadet Corps Act, 1948 (XXXI of 1948), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of Defence No. S.R.O. 117, dated the 22nd July 1950, namely :—

For the entry "The Secretary, Education and Public Health Department, Government of Mysore, Bangalore" the entry "The Secretary to Government of Mysore, Education Department, Bangalore" shall be substituted.

H. M. PATEL, *Secy.*

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PART IV

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Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. A.F. 10210—C S. 80-50-2, dated Bangalore, 7th March 1951.

In exercise of the powers conferred by Section 69 of the Mysore Co-operative Societies Act, 1948 (Mysore Act No. LII of 1948) and in continuation of Notification No. A.F. 3676—C.S. 14-50-2, dated 25th July 1950, His Highness the Maharaja of Mysore is pleased to direct that the provisions of sub-section (1) of Section 33 of the said Act, shall apply to the Mysore Provincial Co-operative Apex Bank, Ltd., Bangalore City, subject to the modification that the said Bank may make loans to the Regulated Market Committees established in the State for the purpose of construction of all types of buildings connected with their work and for other expenditure.

This order shall remain in force till the 31st March 1952.

By Order of His Highness the Maharaja,

No. S.D. 8180—R. 24-50-273, dated Bangalore, 8th March 1951.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (Central Act XXIV of 1946) read with the Government of India, Ministry of Food, Notification No. S.R.O. 703, dated 4th October 1950 and with the concurrence of the Government of India, His Highness the Maharaja of Mysore is pleased to make the following Order:—

1. (1) This Order may be called the Mysore Food (Austerity Measures in Service of Meals) Order, 1951.

(2) It shall extend to the whole of the State of Mysore and shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context,—

(1) "Catering Establishment" includes a Caterer and the person in charge of a hotel, restaurant, eating-house, cafe, tea-shop, coffee-stall, confectionery, free-feeding Centre or any other place of refreshment open to the Public, a Club, Boarding-House, Railway Refreshment Room, Refreshment Car or Mobile Canteen or a Restaurant Car or other similar establishment;

(2) "Director" means the Director of Food Supplies in Mysore;

(3) "Standard Meal" means a breakfast, tiffin, lunch, tea, dinner or supper, prepared with such commodities and consisting of such number of courses and served at such times as the Director may, by a general or special order, specify in this behalf. For this purpose, the Director may classify courses as "substantial" or "subsidiary".

(4) "Subsidiary dish" means a dish described as such in the Schedule to this Order;

(5) "Substantial dish" means a dish described as such in the Schedule to this Order.

3. No catering establishment or bakery shall be opened or commenced except under and in accordance with the conditions of a licence issued by the Director or any other Officer authorised by him in this behalf.

4. No catering establishment shall manufacture for sale or sell any article of food prepared using milk or rice and no catering establishment shall prepare for sale or sell eatables known as "Idlies" or "Dosais" or a tables of a similar kind prepared using rice:

Provided that nothing in this clause shall apply to:

(i) the manufacture for sale or sale of standard meal, or coffee or tea or cocoa, or sweet drink, or any other articles of food specifically exempted by the Director, in writing;

(ii) the manufacture for sale or sale of any article of food which involves the use of milk powder or canned milk.

5. (1) No person shall in connection with any marriage or funeral invite for taking cooked or prepared food, or serve or provide or supply cooked or prepared food

using rationed articles, for more than fifty persons other than the persons shown on the Ration Cards of the persons performing the said marriage or funeral.

Explanation.—For the purpose of this sub-clause, in the case of areas where statutory rationing is not in force, the corresponding entries in the 'H.S.1' Form, or Identity Cards shall be deemed to be the entries in the Ration Cards.

(2) No person shall, in connection with any marriage, serve or provide or supply more than two meals for each person invited for such marriage, and no person shall in connection with any funeral, serve, provide or supply more than one meal for each person invited for such funeral.

Explanation.—On occasions of marriage or funeral, for not more than fifty persons who are invited as guests, rationed foodgrains may be issued, provided sufficient quantity of foodgrains are available for such issue.

Provided, that nothing in this clause shall apply to the distribution of pieces of wedding cakes or to the sending of sweets as presents in celebration of the marriage. The quantity of rationed foodgrains used for preparing such cakes or sweets shall not exceed the quantity admissible for fifty persons on the occasion of marriages.

(3) (i) Save as provided in paragraph (ii), nothing in this clause shall apply to subscription dinners in a club or association premises or in catering establishments arranged by any club or association for *bona fide* members of such club or association.

(ii) Where a subscription dinner is arranged by a club or an association under paragraph (i), not more than twenty-four non-members shall be invited as guests for such dinner.

(iii) No rationed foodgrains shall be issued for any subscription dinner arranged by a club or an association under this sub-clause.

(4) (i) Save as otherwise provided in this Order, no owner or other person in charge of a Catering establishment, and no person, shall cater for any gathering or party of more than twenty-four persons at a time, of food prepared out of rationed articles at any function or in any public or private entertainment. Every such owner or person shall give notice of his intention to entertain

more than twenty persons and obtain the previous permission in writing of the Director or of any other Officer authorised by him in this behalf :—

Provided that this sub-clause shall not apply to the catering of persons with liquid refreshments, nuts, fruits (whether fresh or dried), potato chips, preparations or gram or grams products, sweet potatoes, bananas, tapioca, groundnut-atta sugar, gur, shakkar, salt, ghee, oil or vegetable oil products and pansupari but without admixture of wheat, rice, ragi, jowar, bajra, barley and maize or other controlled cereals.

(ii) No rationed foodgrains shall be issued in respect of any function or entertainment specified in paragraph (i).

6. (1) The Director may issue such directions as may be necessary for carrying out the purposes of this Order.

(2) The State Government may by notification in the *Mysore Gazette*, amend the substantial and subsidiary dishes of European and Chinese types of establishments specified in the Schedule.

7. (1) The Director or any officer authorised by him in this behalf may,—

(*a*) if he has reason to believe that any of the provisions of this Order has been or is being or is about to be contravened, such reason or reasons being recorded in writing, enter and search any premises ;

Provided that in doing so, due regard shall be paid by such officer to the social and religious customs of the occupier of the premises and the proceedings relating to the search are recorded in the presence of two or more respectable persons ;

(*b*) ask or cause to be asked of any person all necessary questions ;

(*c*) subject to the conditions contained in paragraph (*a*) seize any article or thing in respect of which he has reason to believe that any provisions of this Order has been or is being or is about to be contravened ;

(2) Every officer making or conducting a search as provided in sub-clause (1) shall be allowed ingress to the premises required and any person called upon to furnish such information as may be needed, shall be bound to anwer the questions asked of him under sub-clause (1).

(3) Any officer conducting the search may take such assistance or aid as may be necessary in the circumstances of each case.

8. Notwithstanding anything contained in this Order, the Director may, subject to such general or special Orders as the State Government may issue from time to time, by Order in writing, grant exemptions in exceptional cases from all or any of the provisions of this Order.

9. The State Government may, by notification in the *Mysore Gazette*, suspend the operation of this Order for such period and subject to such conditions as it may deem fit.

10. (1) The Mysore Food (Restrictions of Service of Meals by Catering Establishments and others) Order 1949, is hereby repealed.

(2) But anything done, any order passed, any action taken under the Mysore Food (Restrictions of Service of Meals by Catering Establishments and others) Order, 1949, shall be deemed to have been done, passed or taken under the corresponding provisions of this Order.

SCHEDULE.

1. EUROPEAN OR CHINESE TYPE.

A. A substantial dish shall be one consisting mainly of: (1) meat, or (2) poultry, or (3) game, or (4) curry and rice, or (5) pillao, or of a combination of any of them which in the normal practice is served at the same time as part of the same dish.

B. A subsidiary dish shall be one consisting mainly of: (1) vegetables, or (2) fish including shell-fish, or (3) eggs or (4) savouries, or (5) maccaroni, spaghetti or (6) porridge, force, grapenuts or any other breakfast cereal food, or (7) soup or (8) Hors d'oeuvre, (9) iced fruit, or (10) fruit or vegetable juice.

(1) *Note.*—In all cases, vegetables may be served as part of a dish.

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2. INDIAN—NON-VEGETARIAN TYPE.

A. A substantial dish shall be one consisting mainly of either (1) meat, or (2) poultry, or (3) biriani, or (4) curry and rice or (5) pillao, or of combination of any of them which in the normal practice is served at the same time as part of the same dish.

B. A subsidiary dish shall be one consisting of either (1) chapatis or (2) puris, or (3) parothas, or (bhakris), or (5) fish including shell-fish.

(2) *Note.*—In all cases, vegetables may be served as part of a dish.

3. INDIAN—VEGETARIAN TYPE.

A. A substantial dish shall be one consisting of dhal and rice

B. A Subsidiary dish shall be one consisting of either (1) chapatis, or (2) puris, or (3) parothas, (4) Bhakris.

(3) *Note.*—In all cases, vegetables may be served as part of a dish.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, MONDAY, MARCH 19, 1951

PART IV

Section 1-C

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 3475—Legis. 6-50-86, dated Bangalore, 19th March 1951.

Ordered that the following Notification No. S.R.O. 310, dated the 7th March 1951, of the Ministry of Law under section 1 of the Code of Criminal Procedure (Amendment) Act, 1951 (I of 1951), published in the *Gazette of India*, Part II, Section 3, dated the 10th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

PART II—SECTION 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

New Delhi, the 7th March 1951

S.R.O. 310.—In exercise of the powers conferred by sub-section (2) of section 1 of the Code of Criminal Procedure (Amendment) Act, 1951 (I of 1951), the Central Government hereby appoints the first day of April, 1951, as the date on which the said Act shall come into force.

[No. F.11-III/51-L]

K. V. K. SUNDARAM, *Secy.*

NOTIFICATION.

No. L.D. 3476—Legis. 6-50-87, dated Bangalore, 19th March 1951.

Ordered that the following Notification No. S.R.O. 311, dated the 7th March 1951, of the Ministry of Law under section 1 of the Code of Civil Procedure (Amendment) Act, 1951 (II of 1951), published in the *Gazette of India*, Part II, Section 3, dated the 10th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW

New Delhi, the 7th March 1951

S.R.O. 311.—In exercise of the powers conferred by sub-section (2) of section 1 of the Code of Civil Procedure (Amendment) Act, 1951 (II of 1951), the Central Government hereby appoints the first day of April, 1951, as the date on which the said Act shall come into force.

[No. F.11-III/51-L]

K. V. K. SUNDARAM, *Secy.*

NOTIFICATION.

No. L.D. 3477—Legis. 6-50-88, dated Bangalore, 19th March 1951

Ordered that the following Notification No. S.R.O. 312, dated the 7th March 1951, of the Ministry of Law under section 1 of the Part B States (Laws) Act, 1951 (III of 1951), published in the *Gazette of India*, Part II, Section 3, dated the 10th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW

New Delhi, the 7th March 1951

S.R.O. 312.—In exercise of the powers conferred by sub-section (2) of section 1 of the Part B States (Laws) Act, 1951 (III of 1951), the Central Government hereby appoints the first day of April, 1951, as the date on which the said Act shall come into force.

[No. F.11-III/51-L]

K. V. K. SUNDARAM, *Secy.*

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PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 3847—Legis. 4-50-105, dated Bangalore, 9th March 1951.

Ordered that the accompanying Notification No. S.R.O. 148, dated the 30th January 1951, of the Ministry of Rehabilitation amending the Displaced Persons' (Registration of Claims) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 3rd February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION.

Delhi, the 30th January 1951.

S.R.O. 148.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to direct that the following amendment shall be made in the Displaced Persons (Registration of Claims) Rules, 1950:—

In the proviso the sub-rule (1) of rule 3 of the said rules, after clause (iii) the following clause shall be inserted, namely :—

"(*iv*) The Chief Claims Commissioner may in any particular case condone the delay in the submission of a claim for registration."

[No. 1 (1)/CCC/G-50.]

S. B. CAPOOR, *Joint Chief Claims Commissioner and Joint Secy.*

NOTIFICATION.

No. L.D. 3348—Legis. 6-50-84, dated Bangalore, 9th March 1951.

Ordered that the accompanying Notification No. S.R.O. 146, dated 24th January 1951, of the Ministry of Agriculture amending the Fruit Products Order, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 3rd February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF AGRICULTURE.

New Delhi, the 24th January, 1951.

S.R.O. 146.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Fruit Products Order, 1948, namely :—

In the said Order, in sub-clause (2) of clause 1, for the words "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

[No. F. 7-34/49-Fr.]

V. S. KRISHNASWAMI, *Dy. Secy.*

NOTIFICATION.

No. L.D. 3349—Legis. 6-50-85, dated Bangalore, 9th March 1951.

Ordered that the accompanying Notification No. S.R.O. 147, dated the 29th January 1951, of the Ministry of Agriculture under the Sugar and Gur Control Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 3rd February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

New Delhi, the 29th January 1951.

S.R.O. 147.—In exercise of the powers conferred by clause 8 of the Sugar and Gur Control Order, 1950, the Central Government is pleased to direct :—

(*a*) that all sugar manufactured by vacuum pan process shall be sold by a producer packed in new A Twill jute bags, unless otherwise permitted by the Central Government, and each bag shall contain 2 maunds and 30 seers sugar net (a maund being of 82·2/7 lbs.) ;

(*b*) that each such bag shall bear on it the name of the producer and the quality of sugar, at the time of delivery, in terms of the Indian Sugar Standards ; and

(*c*) that the producer shall state in the sale invoice that the price charged for the sugar is the ex-factory price, as notified by the Central Government of the grade of sugar actually delivered and marked on the bag in which it is packed.

This Notification will come into force at once.

[No. SV-105 (4)/50-51.]

N. T. MONE, *Joint Secy.*

NOTIFICATION.

No. C. 1636—Co. 40-50-12, dated Bangalore, 15th March 1951.

Ordered that the accompanying Notification No. 14 (2)-PC—50, dated the 28th February 1951 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 27th February 1951.

No. 14 (2)-P.C.-50. In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Commerce and Industry, S.R.O. No. 169, dated 1st February 1951, namely :—

In the schedule to the said notification, under serial No. 1, for the words and letters "Goodyear Deluxe AWT/Roadking" the words and letters "Goodyear Deluxe AWT" shall be substituted.

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ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

B. B. SAKSENA,
Deputy Secretary to the Government of India.

NOTIFICATION.

No. C. 1638—Co. 40-50-10, dated Bangalore, 16th March 1951.

Ordered that the accompanying Notification No. P.C. 14 (1)—50, dated the 28th February 1950 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 28th February, 1951.

No. P.C. 14 (1)—50. In exercise of the powers conferred by Sections 7 and 19 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendments shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 979, dated the 27th November 1950, namely :—

(1) In the said notification for the words "Ministry of Industry and Supply" the words "Ministry of Commerce and Industry" shall be substituted.

(2) To the said Notification, the following proviso shall be added, namely :—

"Provided that in the case of producers of cycle tyres and tubes such statements shall contain information about stocks of cycle tyres and tubes held by them on the 25th day of every month".

572 ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India.*

P. S. SUNDARAM,
Under Secretary to the Government of India.

NOTIFICATION.

No. L.D. 3478—Legis. 4-50-106, dated Bangalore, 19th March 1951

Ordered that the accompanying Notification No. S.R.O. 324, dated the 7th March 1951 of the Ministry of Commerce and Industry, amending the Indian Tea Control Rules, 1938, published in the *Gazette of India,* Part II, Section 3, dated the 10th March 1951, be republished in the *Mysore Gazette,* for general information.

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMERCE AND INDUSTRY

TEA CONTROL

New Delhi, the 7th March 1951

S.R.O. 324.—In exercise of the powers conferred by Sections 10 and 23, of the Indian Tea Control Act, 1938 (VIII of 1938), the Central Government hereby directs that the following further amendment shall be made in the Indian Tea Control Rules, 1938, namely:—

In the said Rules, after rule 1, the following rule shall be inserted, namely:—

"1A. They extend to the whole of India."

[No. 217(1)-Law (Tea)/51]
P. RATNAM, *Dy. Secy.*

573 NOTIFICATION.

No. L.D. 3479—Legis. 4-50-107, dated Bangalore, 19th March 1951

Ordered that the accompanying Notification No. S.R.O. 325, dated the 7th March 1951 of the Ministry of Commerce and Industry, amending the Indian Tea Control Act (Electoral) Rules, 1938, published in the *Gazette of India*, Part II, Section 3, dated the 10th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMERCE AND INDUSTRY.

TEA CONTROL

New Delhi, the 7th March 1951

S.R.O. 325.—In exercise of the powers conferred by clauses (*a*), (*h*) and (*i*) of Section 10 of the Indian Tea Control Act, 1938 (VIII of 1938), the Central Government hereby directs that the following amendment shall be made in the Indian Tea Control Act (Electoral) Rules, 1938, namely:—

In the said Rules, after rule 1, the following rule shall be inserted, namely:—

"1A. They extend to the whole of India."

[No. 217 (1)-Law (Tea)/51]

P. RATNAM, *Dy Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L.S. 4370—L.W. 270-50-4, dated Bangalore, 16th March 1951.

In exercise of the powers conferred by Clause 6 of Section 2 of the Mysore Shops and Establishments Act, 1948 (Act 11 of 1948), His Highness the Maharaja of Mysore is pleased to declare every premises including the precincts thereof wherein the handloom weaving of Silk yarn is carried on to be an 'establishment' for the purpose of the said Act.

No. W. 2565, dated Bangalore, 17th March 1951.

Under sub-clause (3) of Clause 1 of the Mysore House Rent and Accommodation Control Order 1948, His Highness the Maharaja of Mysore is pleased to direct that the provisions of the said Order shall extend to Belur Town in Hassan District with effect from the Twenty-fifth day of March 1951.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Secretary to Government,

Law Department.

No. S.R. 7597—Ex. 120-50-2, dated Bangalore, 13th March 1951.

In exercise of the powers conferred by Section 5 of Opium Act, 1878 (Central Act I of 1878), His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made in the conditions

applicable to Opium Licenses, contained in Notification No. Fl. 6331—Ex. 111-40-3, dated 27th March 1941, namely :—

In paragraph 11 of Section VII relating to conditions applicable to Opium Licenses, for the words "provided they do not exceed the limit for possession", the words and figures "subject to the conditions specified in sub-rule (2) of Rule III of the Mysore Opium Rules" shall be substituted.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government,
Revenue Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, SATURDAY, MARCH 24, 1951

PART IV

Section-2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. 6561—L.A., Bangalore, dated 19th March 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore State Aid to Industries Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY.

BUDGET SESSION, MARCH—APRIL 1951.

Report of the Select Committee on the Mysore State Aid to Industries Bill, 1951.

(*Presented on 16th March 1951.*)

We, the members of the Select Committee to which the Mysore State Aid to Industries Bill, 1951, was referred, have considered the Bill in detail and have the honour to submit the following report.

Preamble.

Since the Bill is primarily intended to regulate the giving of State aid, we recommend that the Preamble may be recast as follows:

"Whereas it is expedient to regulate the giving of aid by the Government to industries in the State of Mysore;"

Clause 2.

We recommend that the definition of "cottage industry" may be recast as follows:

"(1) 'cottage industry' means any industry carried on by a person at home not being a factory;"

Clause 4.

We consider it unnecessary to provide for the Chairman to be only a nominated member. We think it desirable that the Chairman may be any one of the members of the Board of Industries who may be nominated as such by the Government. We accordingly recommend that the words "including the Chairman and the *ex-officio* member" may be omitted in sub-clause (1); the words "The Chairman and four" in sub-clause (2) may be substituted by the word "five"; and a new sub-clause may be added after sub-clause (2) as follows:

"(3) One of the members of the Board shall be appointed by the Government as Chairman.",

the other sub-clauses being re-numbered suitably.

Clause 8.

We consider it unnecessary to provide for district committees as constitution of such committees would

merely lead to delay in the disposal of applications and is unnecessary in the conditions which obtain in Mysore. We accordingly recommend that sub-clause (4) may be omitted and sub-clause (5) re-numbered as sub-clause (4).

In order that the Board's rejection of an application should be binding on the Government, the Bill requires that the resolution should be unanimous. We consider it sufficient if such resolution is supported by two-thirds of the members of the Board and we accordingly recommend that sub-clause (5), re-numbered as sub-clause (4), may be recast as follows:

"(4) No aid shall be granted under this Act if the Board by a resolution supported by not less than eight members advises the rejection of the application."

Clause 16.

The methods of giving State aid are set out in clause 7. We think that the language of clause 16 may be suitably changed so as to accord with the language of clause 7. We accordingly recommend that for the words "The condition of subscription for shares and debentures by the Government or the guarantee of a minimum return on the capital of any industrial business or enterprise" occurring in the beginning of the clause the following words may be substituted:

"The condition of subscription by the Government for shares and debentures of any industrial business or enterprise or the guarantee by the Government of a minimum return on the capital of a Joint Stock Company."

Proviso (*a*) to this clause requires that the shares subscribed by the Government should not be more than half the paid-up capital. It appears desirable that instead of fixing the proportion in the Act itself, power should be given to the Government to fix the proportion by order. We accordingly recommend that the proviso may be recast as follows:

"(a) for all shares subscribed by the Government, there must be taken up and fully paid for not less than such number of shares as may be fixed by special or general order of the Government;"

New clause.

The Bill makes no provision for empowering the Government to terminate State aid in cases where the aid

has been misapplied or there has been a breach of the conditions of the grant and the like. We consider it necessary to have such a provision in the Bill and we accordingly recommend that after clause 19 a new clause may be added as follows:

"20. If the Government decides for reasons to be recorded in writing to terminate aid in respect of an industrial business or enterprise on any of the following grounds, namely:—

Power to Government to terminate aid on account of fault.

(*i*) that any portion of the aid given has been misapplied, or

(*ii*) that there has been a breach by the person in receipt of the aid of the provisions of this Act or of any rule made thereunder or of any condition of the grant, or

(*iii*) that the application on which the aid has been granted contained, or was accompanied by, any material statement by the applicant which he knew to be false, or any intentional concealment by him of any material fact, which in the opinion of the Government it was his duty to disclose, or that any such false statement or concealment was intentionally made in any inquiry made under this Act by or with the connivance of the applicant or in any return under this Act, or in reply to any requisition for information under this Act, or

(*iv*) that the industrial business or enterprise is being managed in such a manner as to endanger the repayment of the value of aid granted thereto repayable under this Act,

the Government may make an order that the aid be terminated and notwithstanding anything contained elsewhere in this Act or in any other enactment, may proceed to recover from the grantee as a public demand—

(*a*) the whole amount of any loan outstanding, together with such interest as may be due thereon, or

(*b*) in cases where the aid is given otherwise than by loan, the money value of the grant as fixed at the time when it was made, together with interest at a rate not exceeding twelve and a half *per cent*, from the date of the grant till the date of realisation, and

(*c*) in the cases mentioned in clause (*a*) or clause (*b*) the cost of recovery, and, if the Government so directs, the cost of any inquiry made in connection therewith,

and such order shall be final."

New clause.

We also consider it necessary to provide for the charging of fees in respect of applications, inquiries, inspections and audit. We accordingly recommend that after new clause 20 as above recommended, another new clause may be inserted as follows:

Fees.

"21. The Government may charge in respect of applications, inquiries, inspections and audit by whomsoever made under this Act, such fees, if any, as may be prescribed."

We recommend that the last two clauses 21 and 22 may be interchanged so that the existing clause 21 comes at the end of the Bill. With the addition of the two new clauses above recommended, clause 21 may be therefore re-numbered as clause 24 and clause 22 as clause 23.

Clause 21 (Clause 24).

We consider it necessary to have some provision for the appointment of a Secretary to the Board so that this would be a statutory appointment. We accordingly recommend that in item (ii) of sub-clause (2), for the words "its staff" the words "a Secretary and staff" may be substituted. In the same item, for the words "remuneration of its members" we recommend that the words "allowances payable to its members" may be substituted. Since sub-clause (4) of clause 8 is proposed to be deleted, we recommend that the words "and the constitution and functions of district Committees" may be omitted from this item.

We recommend that the proviso to this sub-clause may be recast as follows:

"Provided that such rules shall take effect and have the force of law after one month from the date of their publication in the *Mysore Gazette*:

"Provided further that such rules shall be laid on the table of the Mysore Legislative Assembly and may be amended by a resolution passed within one month from the date of notification or, if the Assembly is not sitting, on such date within one month from the date of its next meeting."

Clause 22 (Clause 23).

We recommend that item (*a*) may be recast as follows:

"(*a*) from starting or conducting any industrial business or enterprise;"

We recommend that the words "not exceeding one year" occurring in item (*c*) may be deleted.

We are of the opinion that in order to implement the provisions of this Act and to secure that the aid contemplated under this Act is available to industrial businesses or enterprises requiring such aid, a separate fund should be constituted from out of which such aid could be given. The fund could be augmented by grants made by the Government from time to time as well as by repayments made on account of aid already given.

The Bill was published in the *Mysore Gazette* Extraordinary dated 16th January 1951.

In our opinion the Bill has not been so altered as to require republication.

H. C. DASAPPA (*Chairman*),
M. L. NANJARAJ URS,
MALI MARIYAPPA,
M. GOVINDA REDDY.

Mushir-ul-Mulk J. Mahomed Imam and Sri G. A. Acharya were absent at the meeting of the Select Committee.

Sri A. Bheemappa Naik has not indicated his approval to the report.

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THE MYSORE STATE AID TO INDUSTRIES BILL, 1951

ARRANGEMENT OF CLAUSES.

Clauses

1. Short title, extent and commencement.
2. Definitions.
3. Director of Industries.
4. Board of Industries.
5. No aid except in accordance with the provisions of this Act.
6. Industries to be aided.
7. Method of giving State aid.
8. Application for State aid and procedure in dealing with applications.
9. Grant of loans.
10. Loans how secured.
11. Inspections and returns.
12. Control of business assisted.
13. Repayment of loans.
14. Guaranteeing of loans by Banks.
15. Exemption of small and Cottage Industries.
16. Subscriptions for shares or debentures or guarantee of a minimum return on capital.
17. Subsidy by the Government.
18. Disposal of profits when condition of State aid is not fulfilled.
19. Methods of recovery of money due.
20. Power to Government to terminate aid on account of fault
21. Fees.
22. State aid granted prior to commencement of Act.
23. Powers of Government as regards starting or conducting industries and giving aid of certain kinds.
24. Power to make rules.

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[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined or sidelined indicate the changes suggested by the Committee; omission are indicated by asterisks.)

THE MYSORE STATE AID TO INDUSTRIES BILL, 1951.

A Bill to regulate State aid to Industries.

WHEREAS it is expedient to regulate the giving of aid by the Government to industries in the State of Mysore; **Preamble.**

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore State Aid to Industries Act, 1951. **Short title, extent and commencement.**

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act, **Definitions.**

(1) "cottage industry" means any industry carried on by a person at home not being a factory;

(2) "Government" means the State Government;

(3) "prescribed" means prescribed by rules made under this Act;

(4) "village industry" means any industry which forms the normal occupation, whether whole time or part-time, of any class of the rural population of the State.

3. The Government may appoint any officer or other person to perform all or any of the functions of the Director of Industries under this Act. **Director of Industries.**

4. (1) There shall be constituted a Board of Industries consisting of ten members. * * * **Board of Industries.**

(2) * * Five members shall be nominated by the Government, one member shall be elected by the Mysore Chamber of Commerce and three members shall be elected by the Mysore Legislative Assembly from amongst its members. The Manager of the Bank of Mysore Limited, Bangalore, shall be the *ex-officio* member of the Board.

(3) One of the members of the Board shall be appointed by the Government as Chairman.

(4) The election of one member by the Mysore Chamber of Commerce and of three members by the Mysore Legislative Assembly shall be conducted in such manner as may be prescribed. A return of the name of every person elected shall be made to the Government by the President of the Mysore Chamber of Commerce or the Secretary of the Mysore Legislative Assembly, as the case may be, and such return shall be published in the *Mysore Gazette*.

(5) The Board of Industries shall assist the Government in dealing with applications for the grant of State aid under this Act.

(6) No member shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board of Industries if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested professionally on behalf of a client or as agent for any person other than the Government or a local authority.

No aid except in accordance with the provisions of this Act.

5. No aid shall be given by the Government to any industrial business or enterprise except in accordance with the provisions of this Act.

Industries to be aided.

6. (1) The industries to which aid may be given under this Act shall be such as have an important bearing on the economic development of the country and shall be :

(*a*) new or nascent industries, or

(*b*) industries to be newly introduced into areas where such industries are undeveloped, or

(*c*) cottage industries, or

(*d*) old or established industries :

Provided that aid shall not be given to any old or established industry unless the Government is satisfied that special reasons exist for giving such aid.

(2) No such aid shall be given to any joint stock company unless :

(*a*) the same is registered in India on a rupee capital, and

(*b*) the company conforms to such rules as may be made by the Government from time to time requiring that a minimum number or a proportion of the members of its board of management shall be citizens of India :

Provided further that every recipient of aid under this Act shall make such provision for the training of apprentices as the Government may, from time to time, prescribe.

(3) The decision of the Government as to whether the conditions of this section are fulfilled shall be final and shall not be called in question in any court of law.

Method of giving State aid.

7. Subject to the provisions of this Act and of the rules framed thereunder, the Government shall have power to give aid to an industrial business or enterprise in one or more of the following ways :—

(*a*) by granting a loan ;

(*b*) by guaranteeing a cash credit, over-draft or fixed advance with a bank ;

(*c*) by paying a subsidy, in the case of a cottage industry for any purpose, and in the case of any other industry for the conduct of research or the purchase of machinery ;

(*d*) by subscribing for shares or debentures ;

(*e*) by guaranteeing a minimum return on part of the capital of a joint stock company ;

(*f*) by making a grant on favourable terms of land, raw material, firewood or water ;

(*g*) by supplying at concessional rates electric energy from a source owned by the Government.

Application for State aid and procedure in dealing with applications.

8. (1) Any person desiring to obtain a loan or other aid for any industrial business or enterprise shall make his application to the Director of Industries in such form and shall furnish such information concerning his business as may be prescribed.

(2) If the extent of the aid applied for exceeds Rs. 50,000 and in any other case in which he considers this procedure necessary, the Director of Industries shall publish a notice in the prescribed manner calling upon

any person who objects to the grant of the aid applied for, to state his objections at a time and place to be specified, and shall hear such objections and make such inquiry as may be necessary.

(3) Every application for aid shall be placed before the Board of Industries for advice.

* * * *

(4) No aid shall be granted under this Act if the Board by a resolution supported by not less than eight members advises the rejection of the application.

Grant of loans.

9. No loan shall be granted of an amount exceeding fifty per cent of the net value of the assets of the industrial business or enterprise and of any other property offered as collateral security for the loan, after deducting in both cases existing encumbrances, such value to be ascertained by such person as may be appointed by the Government and in accordance with such rules as may be prescribed; for the purpose of this valuation the additional assets which may be created by the expenditure of the sums granted may be taken into account to such extent as may be prescribed.

Loans how secured.

10. Every loan granted under this Act, shall be secured by a mortgage or floating charge upon the whole of the assets of the business or enterprise, subject to any encumbrances existing at the time of the grant, and by such collateral security, if any, as may be required by the Government, and shall bear interest payable on such dates and at such rates as the Government may determine.

Inspection and returns.

11. In any case in which a loan has been applied for under this Act, the applicant, and at any time during the currency of a loan that has been granted under it, the grantee, shall be bound—

(*a*) to comply with any general or special order of the Government relative to the inspection of the premises, buildings, or plant or stock in hand of the industrial business or enterprise;

(*b*) to permit the inspection of all accounts relative to the industrial business or enterprise;

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(c) to furnish full returns of all products manufactured or sold both as regards description and quantity;

(d) to maintain such special accounts or to furnish such statement as the Government may, from time to time, require;

(e) to submit the accounts of the industrial business or enterprise to such audit as the Government may prescribe.

Control of business assisted.

12. In any case in which a loan or loans is or are granted under this Act, amounting to two lakhs of rupees or upwards, the Government shall, and in any other case may, by the appointment of Government directors or otherwise, take power to ensure such control over the conduct of the business or enterprise as shall suffice in its opinion to safeguard its interests.

Repayment of loans.

13. (1) Every loan granted under this Act shall be made repayable by instalments within such period from the date of the actual advance of the loan, or when the loan is advanced in instalments, from the date of payment of the last instalment, as may be fixed by the order granting the loan.

(2) The period fixed as aforesaid shall not exceed ten years unless the Government shall, by general or special order, extend the same.

Guaranteeing of loans by banks.

14. No guarantee of a cash credit, overdraft or fixed advance with a bank shall be given except under the conditions prescribed in sections 9 to 12 in respect of loans.

Exemption of small and cottage industries.

15. Save as otherwise may be prescribed by rules made under this Act, nothing in sections 9, 10, 11 and 14, shall apply to any industrial business or enterprise with a capital outlay not exceeding two thousand rupees or to cottage industries.

Subscriptions for shares or debentures or guarantee of a minimum return on capital.

16. The condition of subscription by the Government for shares and debentures of any industrial business or enterprise or the guarantee by the Government of a minimum return on the capital of a joint stock company shall be that the business or enterprise shall be subject to the conditions of section 11 in respect of

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inspection and returns as well as to the provisions of section 12 in respect of Government control:

Provided that—

(a) for all shares subscribed by the Government, there must be taken up and fully paid for not less than such number of shares as may be fixed by special or general order of the Government;

(b) for all capital on which a return is guaranteed by the Government, there shall be paid up not less than an equal amount of capital which carries no guarantee.

Subsidy by the Government.

17. The condition of a grant of subsidy or of any payment under guarantee of a minimum return on the paid-up capital or of the grant of Government land, raw material, firewood or water on favourable terms, or of the supply, from a Government source, of electric energy at concessional rates, shall ordinarily be that an amount equal to the sum paid or to the value of the grant or concession as fixed at the time when it is made, shall be repaid to the Government at the close of a fixed term of years, if, within that term, the industrial business or enterprise shall be shown to be paying interest or a dividend upon the capital invested in excess of such rate as the Government may fix.

No subsidy (to an industry other than a cottage industry) shall exceed forty per cent of the cost of the research or of the cost of the machinery as the case may be.

Disposal of profits when condition of State aid is not fulfilled.

18. No recipient of State aid shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the industrial business or enterprise as the Government may fix from time to time until the conditions on which the State aid has been granted are fulfilled. The balance of the profits, after setting aside proper amounts for depreciation or obsolescence of plant and buildings, and for the payment of interest on debentures of loans, shall be carried to a reserve fund to be utilized in such manner as the Government may approve.

Methods of recovery of money due.

19. (1) All moneys payable under this Act, including any interest chargeable thereon and costs, if any, incurred, if not paid when due, may be recovered from the person

aided and his surety, if any, under the law for the time being in force, as if they were arrears of land revenue.

(2) When any sum due as aforesaid is paid by the surety or is recovered from him or out of his property under sub-section (1), the Deputy Commissioner shall, on the application of the surety, so far as possible, recover the same from the person aided and pay the same to the surety.

Power to Government to terminate aid on account of fault.

20. If the Government decides for reasons to be recorded in writing to terminate aid in respect of an industrial business or enterprise on any of the following grounds, namely :—

(i) that any portion of the aid given has been misapplied, or,

(ii) that there has been a breach by the person in receipt of the aid of the provisions of this Act or of any rule made thereunder or of any condition of the grant, or

(iii) that the application on which the aid has been granted contained, or was accompanied by, any material statement by the applicant which he knew to be false, or any intentional concealment by him of any material fact, which in the opinion of the Government it was his duty to disclose, or that any such false statement or concealment was intentionally made in any inquiry made under this Act by or with the connivance of the applicant or in any return under this Act, or in reply to any requisition for information under this Act, or

(iv) that the industrial business or enterprise is being managed in such a manner as to endanger the repayment of the value of aid granted thereto repayable under this Act,

the Government may make an order that the aid be terminated and, notwithstanding anything contained elsewhere in this Act or in any other enactment, may proceed to recover from the grantee as a public demand—

(*a*) the whole amount of any loan outstanding, together with such interest as may be due thereon, or

(b) in cases where the aid is given otherwise than by loan, the money value of the grant as fixed at the time when it was made, together with interest at a rate not exceeding twelve and a half per cent, from the date of the grant till the date of realisation, and

(c) in the cases mentioned in sub-section (a) or sub-section (b) the cost of recovery, and, if the Government so directs, the cost of any inquiry made in connection therewith,

and such order shall be final.

Fees.

21. The Government may charge in respect of applications, inquiries, inspections and audit by whomsoever made under this Act, such fees, if any, as may be prescribed.

State aid granted prior to commencement of Act.

22. Any such aid as is referred to in section 7, given by the Government to any industry prior to the commencement of this Act, shall, on the issue of an order to that effect by the Government in the *Mysore Gazette*, be deemed to be aid given under this Act and on the issue of such order, all the provisions of this Act and of any rules made thereunder shall apply to such aid and such industry as if such aid was given to such industry under this Act.

Powers of Government as regards starting or conducting industries and giving aid of certain kinds.

23. Nothing in this Act shall be held to debar the Government;

(a) from starting or conducting any industrial business or enterprise; * * * *

(b) from assisting an industrial business or enterprise by agreements to purchase on business terms the whole or a portion of the products of the same;

(c) from assisting an industrial business or enterprise by giving gratis or on favourable terms, the services of Government officials or experts either in the capacity of advisers or for a limited period * * * for starting or conducting such business or enterprise;

(d) from assisting an industrial business or enterprise in connection with industrial education or the training of apprentices;

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(e) from assisting a village industry in any manner which may be determined by the Government.

24. (1) The Government may make rules to carry out all or any of the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, it may make rules regulating all or any of the following matters :—

(i) the classes of industrial businesses or enterprises to which and the purposes for which aid may be given;

(ii) the term of office of the members of the Board of Industries, the quorum at the Board's meetings, the method of arriving at its decisions, the appointment of a Secretary and staff, the allowances payable to its members and all other matters relative to the conduct of its business;

* * * *

(iii) the manner of making applications for State aid and the information to be given in such applications, provided that no such rules shall require any applicant or grantee of aid to divulge any information relating to the technical details of any process of any patent owned by him;

(iv) the manner of conducting inquiries and the matters to be specially inquired into in dealing with applications for the State aid and the powers to be exercised by the Director of Industries conducting such inquiries;

(v) the mode of ascertaining the value of the assets of an industrial business or enterprise; or of any property offered as collateral security for a loan;

(vi) the nature of the security to be taken for the due application of loans and grants and the rates of interest at which and the conditions under which loans or grants may be given, and the creation of a mortgage, floating charge or collateral security under section 10;

(vii) the inspection of the premises, buildings, plant and stock on hand and the accounts of any industrial business or enterprise for which State aid has been granted;

(viii) the mode of keeping and auditing the accounts and of furnishing returns of any industrial business or enterprise in respect of which State aid has been granted;

(ix) the appointment and functions of Government directors or the prescribing of other methods of control of industrial businesses or enterprises in respect of which State aid has been granted;

(x) the application of profits in cases in which the conditions under which loans or grants have been made have not been fulfilled;

(xi) the guaranteeing by the Government of cash credits, over-drafts or fixed advances by banks and the recognition of banks for this purpose;

(xii) the fixing of the period for the repayment of loans and the conditions and dates of the repayment of subsidies and grants;

(xiii) the recovery of any moneys due under this Act; and

(xiv) the conditions under which and the security on which loans shall be granted or guarantees of a cash credit, over-draft or fixed advance with a bank given to the industries referred to in section 15:

Provided that such rules shall take effect and have the force of law after one month from the date of their publication in the *Mysore Gazette*:

Provided further that such rules shall be laid on the table of the Mysore Legislative Assembly and may be amended by a resolution passed within one month from the date of notification or, if the Assembly is not sitting, on such date within one month from the date of its next meeting.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.

NOTIFICATION.

No. 6562—L.A. Bangalore, dated 19th March 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Cultivation of Fallow Lands Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY.

BUDGET SESSION, MARCH-APRIL 1951.

Report of the Select Committee on the Mysore Cultivation of Fallow Lands Bill, 1951.

(Presented on 16th March 1951).

We, the members of the Select Committee to which the Mysore Cultivation of Fallow Lands Bill, 1951, was referred, have considered the several clauses of the Bill in detail and have the honour to submit the following report.

CLAUSE 1.

We recommend that sub-clause (3) may be recast as follows:—

"(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply the other provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification and may cancel or modify any such notification."

We are of the opinion that the period of two years specified for the duration of this measure is too short and that this Act may be specified to be in force for a period of five years. We accordingly recommend that in sub-clause (4) for the words "two years" the words "five years" may be substituted.

CLAUSE 2.

We are of the view that approved crops to be notified by the Government may be different in different areas and it is necessary to provide for this in the definition of

"approved crop." We accordingly recommend that at the end of the definition of "approved crop" in sub-clause (2), the following words may be added :—

"in any area specified in such notification."

NEW DEFINITION.

We recommend that the definition of the word "prescribed" may be added and we accordingly recommend that a new sub-clause as sub-clause (7) may be added as follows :—

"(7) 'prescribed' means prescribed by rules under this Act."

CLAUSE 3.

As the exempted holdings of ten acres in the case of wet lands and fifteen acres in the case of dry lands set out in sub-clause (1) may require modification in certain areas, we recommend that a proviso may be added to sub-clause (1) as follows :—

"Provided that the State Government may, by notification in the *Mysore Gazette*, increase the acreage specified in clause (*a*) or (*b*) in respect of any area specified in such notification."

We are of the view that the order of the Amildar should be subject to an appeal to the Sub-Division Officer and we accordingly recommend that a new sub-clause may be added as follows :—

"(4) An appeal shall lie to the Sub-Division Officer concerned from an order of the Amildar under sub-section (1) within fifteen days from the date of communication of the order of the Amildar to the holder of occupied land and the decision of the Sub-Division Officer on such appeal shall be final."

NEW CLAUSE.

We are of the opinion that there should be provision in the Act for exemption in suitable cases from the operation of clause 3. We accordingly recommend that after clause 3 a new clause as clause 4 may be added as follows and the other clauses re-numbered suitably :—

"4. Any holder of occupied land may, before the expiry of the prescribed period apply to the Amildar for exemption from the provisions of section 3. If the Amildar on such enquiry as he deems fit is satisfied that the land—

(*a*) is needed by the holder for the purposes of grazing his own cattle; or

(*b*) cannot be cultivated by the holder for want of lessees or labourers ;

he may grant a certificate of exemption in respect of the whole or part of the area of fallow land required to be cultivated under section 3."

NEW CLAUSE.

We are of the opinion that where the holder of a land does not carry out the orders of an Amildar under clause 3 he should be liable to some penalty. We accordingly recommend that a new clause may be inserted in the Bill after clause 4 as recommended by the Committee and the other clauses suitably re-numbered.

"5. The holder of occupied land who does not carry out the directions contained in the order of the Amildar or of the Sub-Division Officer on appeal therefrom under section 3 shall be liable to pay such penalty not exceeding one year's assessment on the land in question as may be determined by the Amildar, unless the holder has obtained a certificate of exemption under the provisions of section 4 or has made an application as required by clause (*b*) of sub-section 6, and the said sum shall be recoverable as an arrear of land revenue."

CLAUSE 4 (RE-NUMBERED AS CLAUSE 6).

In para (*a*) of sub-clause (1), we recommend that the following words may be added :—

"and if the Amildar does not grant a certificate of exemption under section 4"

In sub-clause (1) for the words "three years" we recommend that the words "five years" may be substituted, as the lessee would require at least this time to cultivate the land and obtain adequate yield therefrom.

We are of the opinion that the lessee should be entitled to pay in kind or in cash according as the circumstances may require in each case and we accordingly recommend that for the words "on the bare assessment or on such terms as can be secured" in sub-clause (1) the words

"on the condition that the lessee shall pay as rent one-third of the produce in the case of wet lands and one-fourth in the case of dry lands and in any case not being less than the bare assessment or on such other terms as can be secured," may be substituted.

In order to make it clear that the liability of the lessee to pay rent shall be the rent specified in sub-clause (1) we recommend that after the words "liable to pay the rent" in sub-clause (2) the words "specified in sub-section (1)" may be inserted.

In view of the recommendation we are making for the addition of another clause as clause 7, we recommend that the following words may be added at the beginning of sub-clause (3):

"Subject to the provisions of section 7".

NEW CLAUSE.

After clause 6 as re-numbered we recommend that the following new clause be added in order to provide for cases where a lessee himself fails to cultivate the land leased to him and the other clauses re-numbered suitably:

"7. Where the person to whom a lease has been granted under section 6 fails for any reason to cultivate the land so leased to him or uses the land for a purpose other than the purpose for which it was leased out to him, the Amildar may cancel the lease and grant a fresh lease to any other person on such terms and conditions as he thinks fit and the person whose lease is cancelled under this section shall forfeit all rights under his lease and shall also be liable to pay such sum by way of damages as may be determined by the Amildar in each case. The sum so determined as damages shall be recoverable as an arrear of land revenue."

We are of the opinion that the provisions of this Act should in the first instance be put into force only in those areas which have an assured rainfall or where there is an assured supply of water.

The Bill was published in the *Mysore Gazette*, Extraordinary, dated 12th January 1951.

In our opinion the Bill has not been so altered as to require republication.

T. Mariappa
H. B. Gundappa Gowda
Mali Mariyappa
G. Narayana Gowda
H. M. Mallikarjunappa
M. C. Venkateshan
K. H. Mudiappa
H. K. Veeranna Gowda
D. Govinda Das
T. Ramachar
S. Ranga Rao.

Sriyuts L. Siddappa, S. Kariappa, H. M. Channabasappa, S. Rangaramiah, Kadidal Manjappa, M. L. Nanjaraja Urs, were absent at the meeting of the Select Committee.

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[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined or side lined indicate the changes made by the Select Committee. Omissions are indicated by asterisks.)

THE MYSORE CULTIVATION OF FALLOW LANDS BILL, 1951.

A Bill to make provision for bringing fallow lands under cultivation in the State of Mysore.

WHEREAS it is expedient to make provision for bringing fallow lands under cultivation in the State of Mysore; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Cultivation of Fallow Lands Act, 1951. Short title, extent, commencement and duration.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply the other provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification and may cancel or modify any such notification.

(4) This Act shall remain in force for a period of five years and upon its expiry, the provisions of section 6 of the Mysore General Clauses Act, 1899, shall be applicable as if it had been repealed by a Mysore Act.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) expressions not defined herein shall have the meanings assigned to them respectively in the Mysore Land Revenue Code, 1888;

(2) 'approved crop' means ragi, paddy or jola crop and includes such other crops as the State Government may, by notification in the *Mysore Gazette*, declare to be an approved crop in any area specified in such notification;

(3) 'fallow land' means cultivable land left uncultivated or land recorded as fallow, new or old in the village

accounts, and includes land recorded as grass land in consequence of its ceasing to be under cultivation for a period exceeding three years but does not include land recorded as Phutkharab or a tank or embankment or a nalah or a grove or used as a threshing floor;

(4) 'land' means land which is let or occupied for agricultural purposes or for purposes subservient thereto;

(5) 'occupied land' means land held by—

(*i*) a proprietor as a holder or land-holder or superior holder or occupant or registered occupant or *kadim* tenant, or

(*ii*) by a sub-tenant;

(6) 'occupier' means a person who is for the time being in possession of occupied land and is entitled to cultivate it, either by himself, or by his servants or by hired labour.

(7) 'prescribed' means prescribed by rules under this Act."

Cultivation of fallow lands.

3. (1) Subject to the provisions of sub-section (2) every holder of occupied land in excess of—

(*a*) ten acres in the case of wet lands, or

(*b*) fifteen acres in the case of dry lands,

in any revenue year shall, if so required by an order in writing of the Amildar, be liable to cultivate either himself or through a lessee, in addition to the area cultivated by him in the revenue year immediately preceding, such area as the Amildar may specify, of the fallow land recorded in his name in the village accounts of the said revenue year immediately preceding, and raise an approved crop thereon:

Provided that the State Government may, by notification in the *Mysore Gazette*, increase the acreage specified in clause (*a*) or (*b*) in respect of any area specified in such notification."

(2) For purposes of determining the area of fallow land to be cultivated under the provisions of sub-section (1),

(*a*) an area equal to one-tenth of the extent of the occupied land shall be deducted from the total area of the fallow land of the holder for ordinary grazing requirements of the holder;

(*b*) any fraction of less than half an acre shall not be taken into account.

(3) No order shall be made under the provisions of sub-section (1) unless an enquiry has been held by the Amildar for the purpose. In every enquiry for the said purpose, the Amildar shall, as far as may be, follow the procedure laid down in the Mysore Land Revenue Code, 1888, for conducting summary enquiries.

(4) An appeal shall lie to the Sub-Division Officer concerned from an order of the Amildar under sub-section (1) within fifteen days from the date of communication of the order of the Amildar to the holder of occupied land and the decision of the Sub-Division Officer on such appeal shall be final."

4. Any holder of occupied land may, before the expiry of the prescribed period apply to the Amildar for exemption from the provisions of section 3. If the Amildar on such enquiry as he deems fit is satisfied that the land— Application for exemption.

(*a*) is needed by the holder for the purposes of grazing his own cattle; or

(*b*) cannot be cultivated by the holder for want of lessees or labourers;

he may grant a certificate of exemption in writing in respect of the whole or part of the area of fallow land required to be cultivated under section 3.

5. The holder of occupied land who does not carry out the directions contained in the order of the Amildar or of the Sub-Division Officer on appeal therefrom under section 3 shall be liable to pay such penalty not exceeding one year's assessment on the land in question as may be determined by the Amildar, unless the holder has obtained a certificate of exemption under the provisions of section 4 or has made an application as required by clause (*b*) of sub-section (1) of section 6, and the said sum shall be recoverable as an arrear of land revenue. Penalty.

6. (1) If any holder or occupier does not make suitable arrangements for the cultivation of the fallow land required to be cultivated under sub-section (1) of section 3, Power of Amildar to lease fallow lands.

(a) before the expiry of fifteen days from the date of order of the Amildar; and if the Amildar does not grant a certificate of exemption under section 4; or

(b) before fifteen days from the date of the order of the Amildar, an application in writing is made by a holder or occupier requesting the Amildar to arrange for a suitable lessee for the fallow land required to be cultivated by him under section 3,

the Amildar may let out for cultivation the whole or part of the area of the fallow land of such holder or occupier required to be cultivated under section 3 to any suitable lessee for a period not exceeding five years on the condition that the lessee shall pay as rent one-third of the produce in the case of wet lands and one-fourth in the case of dry lands and in case not being less than the bare assessment or on such other terms as can be secured.

(2) Every lease granted under the provisions of sub-section (1) shall be executed by the Amildar on behalf of the holder or the occupier, as the case may be, and the lessee shall be liable to pay the rent specified in sub-section (1) to the person on whose behalf the lease is executed at the time and in the manner provided for in the lease.

(3) Subject to the provisions of section 7 every such lease shall be valid and take effect according to its terms, notwithstanding anything to the contrary contained in any rule of law, statute or enactment for the time being in force.

Cancellation of the lease.

7. Where the person to whom a lease has been granted under section 6 fails for any reason to cultivate the land so leased to him or uses the land for a purpose other than the purpose for which it was leased out to him, the Amildar may cancel the lease and grant a fresh lease to any other person on such terms and conditions as he thinks fit and the person whose lease is cancelled under this section shall forfeit all rights under his lease and shall also be liable to pay such sum by way of damages as may be determined by the Amildar in each case. The sum so determined as damages shall be recoverable as an arrear of land revenue.

8. Every notice under this Act shall be served in the manner provided in section 199 of the Mysore Land Revenue Code, 1888. Service of notices.

9. All persons exercising any power under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. Persons acting under the Act to be deemed public servants.

10. (1) No civil court shall have jurisdiction to deal with any question which is by or under this Act required to be dealt with by the Amildar. Bar of jurisdiction.

(2) No order of the Amildar under this Act shall be questioned in any civil or criminal court.

11. No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act. Indemnity.

12. The State Government may make such rules as may be found necessary from time to time for carrying out the purposes of this Act and rules so made shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act. Rules.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

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NOTIFICATION.

No 6568—L.A. Bangalore, dated 19th March 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Live Stock Improvement Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY

Budget Session, March-April 1951.

Report of the Select Committee on the Mysore Livestock Improvement Bill 1951.

(*Presented on 16th March 1951*).

We, the members of the Select Committee to which the Mysore Livestock Improvement Bill 1951 was referred, have considered the Bill in detail and have the honour to submit this our report.

Clause 2.—As there is a shortage of buffalo-bulls and there is no need at present to apply the provisions of this Act to buffalo-bulls, we recommended that items (a) and (b) of Clause 2 which seek to include within the definition of 'bull' a buffalo-bull and within the definition of 'cow' a buffalo-cow may be deleted.

Clause 4 (1).—As this sub-clause itself states that the eruption of two central incisor teeth is the test for a bull having attained age, we consider it unnecessary to provide for this matter by rules. We therefore recommend that for the words "prescribed age" the word "age" may be substituted.

We are of the opinion that a license should be obtained only in the case of bulls which are kept for the purpose of serving cows. We accordingly recommend that after the words "the two central incisor teeth" the words "for the purpose of serving cows" may be inserted.

We also recommend that the words at the end of this sub-clause "unless it is certified by the prescribed officer that the bull has been effectively castrated by a method and in a manner approved by the Director" may be deleted as, in our opinion, the provision of this clause should be limited only to the obtaining of license for bulls kept for the purpose of serving cows.

Clause 4 (2).—We are of the opinion that the officer competent to grant a license should not be below the rank of Veterinary Inspector. We therefore recommend that in this sub-clause, after the words "officer or person", the words "not below the rank of Veterinary Inspector" may be added.

Clause 5.—We are of the opinion that where a license has been granted or revoked under sub-clause (1) or sub-clause (2) and the licensing officer happens to be an authority other than the Director, an appeal should lie to the Director. We accordingly recommend that after sub-clause (3), the following sub-clause may be added and the present sub-clause (4) may be re-numbered as sub-clause (5).—

> "(4).—Where the officer or person refusing to grant or revoking a license under sub-clause (1) or sub-clause (2) is not the Director, an appeal shall lie against such order to the Director."

Clause 8.—We are of opinion that the inspection of a bull under this clause should be only at the place where the bull is kept and that it should not be required to be produced for inspection elsewhere. We accordingly recommend that the word "either" and the words "or at any other reasonable place specified in the order" may be deleted.

Clause 9 (1).—Consequential on the change recommended in sub-clause (1) of Clause 4, we recommend that for the words "which in his opinion has attained the prescribed age" the words "required to be licensed under Section 4" may be substituted.

We are of the opinion that under the provisions of this sub-clause it should be sufficient if the bull has been effectively castrated and that the method and manner of such castration need not be subject to approval by the Director or specified in the order. We accordingly

recommend that for the word "castrated" the words "effectively castrated" may be substituted and that the words "by a method and in a manner approved by the Director and specified in the order" may be deleted.

We are of the opinion that the period of time specified for such castration is too short and we accordingly recommend that for the words "one month" the words "three months" may be substituted.

Clause 10.—We recommend that this clause may be omitted and the remaining clauses re-numbered suitably.

Clause 11 (re-numbered as 10).—As almost all the areas in Mysore are served by officers of the Veterinary Department, we consider it sufficient, if the power to require the production of licenses is confined to officers of the Animal Husbandry Department. We accordingly recommend that in item (*a*) the words "or an officer of the Agricultural Department not below the rank of an Agricultural Inspector or an officer of the Revenue Department not below the rank of a Revenue Inspector, or such other officer as may be authorised in this behalf by the State Government by general or special order" may be omitted.

Clause 13 (1) [re-numbered as 12 (1)].—We recommend that the words "to submit it for inspection, or" and the words and letter "section 8 or" may be deleted.

Clause 13 (2) (*a*) [re-numbered as 12 (2) (a)].—Consequential on the amendment proposed to clause 4 (1) we recommend that for the words "has attained the prescribed age" the words "has attained the age specified in section 4" may be substituted.

Clause 15 (re-numbered as 14).—We consider it unnecessary to cast a duty under this statute on officers to give information about intention or preparation and we accordingly recommend that in item (*a*) the words "or of the intention or preparation to commit any offence" may be omitted.

Clause 22 (2) [re-numbered as 21 (2)].—As the intention underlying this sub-clause is to make its provisions applicable to bulls specified in sub-clause (1), we recommend that this sub-clause may be recast as follows:—

"(2). If the licensing officer is of opinion that any such bull as is referred to in sub-section (1)

is of the description set out in sub-clause (*a*), or sub-clause (*b*) or sub-clause (*c*) of sub-section (1) of Section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Direct or cause such bull to be removed to a prescribed place."

We are of the opinion that before the provisions of this measure are extended to any area, the opinion of the local body functioning in that area about the availability of a sufficient number of breeding bulls of approved quality to serve the needs of that area should be obtained and that the Government should also be satisfied that the needs of that area in this respect has been or will be met either by bulls maintained by Government or by local bodies or by private individuals.

The Bill was published in the *Mysore Gazette* Extraordinary, dated 12th January 1951.

In our opinion the Bill has not been so altered as to require republication.

T. Mariappa (*Chairman*).
M. Govinda Reddy.
H. Siddaveerappa.
H. Siddananjappa.
K. Singari Gowda.
D. M. Siddaiah.
H. C. Linga Reddy.
H. B. Gundappa Gowda.
H. M. Mallikarjunappa.
M. V. Krishnappa.
B. Hutche Gowda.
A. R. Somanatha Iyer
(*Advocate-General.*)

Sri H. M. Channabasappa and Sri S. Rangaramiah were not present at the meeting of the Committee.

THE MYSORE LIVESTOCK IMPROVEMENT BILL, 1951

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licensed.
5. Refusal and revocation of licenses.
6. Surrender of license.
7. Grant of duplicate license.
8. Inspection of bulls.
9. Power to order castration of bulls.
10. Production of license.
11. Penalties.
12. Power of licensing officer to castrate bulls.
13. Power of licensing officer, etc., to inspect or mark bulls and to enter premises.
14. Duty of officers to report offences.
15. Cognizance of offences.
16. Officers to be public servants.
17. Bar of certain proceedings.
18. Limitation for certain suits and prosecutions.
19. Revision.
20. Power to make rules.
21. Saving.

[As amended by the Select Committee.]

(Words underlined or sidelined indicate the amendments suggested by the Select Committee. Omissions are indicated by asterisks.)

THE MYSORE LIVESTOCK IMPROVEMENT BILL, 1951.

A Bill to provide for the improvement of livestock in the State of Mysore.

Whereas it is expedient to provide for the improvement of livestock in the State of Mysore;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Livestock Improvement Act, 1951.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply all or any of the remaining provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

* * * *

(a) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry Services in Mysore and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

(b) "license" means a license granted under section 4;

(c) "licensing officer" means the Director or any other officer or person authorised to grant licenses under section 4;

(d) "prescribed" means prescribed by rules made under this Act;

(e) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(*f*) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

Conferment of powers or duties of the Director.

3. The State Government may, by general or special order, confer or impose on any person all or any of the powers or duties of the Director under this Act.

Bulls which have attained a certain age to be licensed.

4. (1) No person shall keep a bull which has attained the * * age corresponding to the eruption of the two central incisor teeth for the purpose of serving cows except under and in accordance with the terms, conditions and restrictions of a license granted under this section.

* * * *
* * * *

Explanation.—Where a person keeps more than one bull he shall obtain a separate license in respect of each bull.

(2) Every license under this section shall be granted by the Director or any officer or person not below the rank of Veterinary Inspector authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed. No fee shall be charged for the grant of the license.

Refusal and revocation of licenses.

5. (1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke a license in respect of any bull if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(*c*) of a breed which is undesirable to propagate in the district or part of the district in which it is kept.

(2) The licensing officer may also revoke a license granted in respect of any bull kept within his jurisdiction (whether such license was granted by himself or by any other officer) if in his opinion—

(*a*) the license was granted under circumstances of which the licensing officer was not aware at the time of granting the license; or

(*b*) there has been a breach of any of the terms, conditions or restrictions of the license.

(3) If a license is revoked under this section, the officer revoking the license shall give notice thereof to the person keeping the bull or to the person stated in the license to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Where the officer or person refusing to grant or revoking a license under sub-clause (1) or sub-clause (2) is not the Director, an appeal shall lie against such order to the Director.

(5) No person shall be entitled to any compensation for the refusal or revocation of any license under this section.

Surrender of license.

6. A license granted in respect of a bull shall be surrendered without delay to the licensing officer, if,

(*a*) the period specified in the license expires, or

(*b*) the license is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

Grant of duplicate license.

7. If the licensing officer is satisfied that the license granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the license a duplicate thereof, and all the provisions of this Act with respect to the license so lost or destroyed shall apply to the duplicate as if it were the original license.

Inspection of bulls.

8. The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, * at the place where the bull is kept for the time being * * * * and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all seasonable assistance in connection with such inspection to the officer concerned.

Power to order castration of bulls.

9. (1) The licensing officer may, by order, require any person keeping a bull required to be licensed under Section 4 and in respect of which no license is for the time being in force under this Act, to have it effectively castrated, within three months from the date of service of the order. * * *

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

* * *

* * *

* * *

Production of license.

10. It shall be the duty of any person who for the time being keeps a bull in respect of which a license has been obtained and is in force, to produce such license:

(*a*) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or any officer of the Animal Husbandry Department not below the rank of Veterinary Inspector, or *

* * *

* * *

* * *

(*b*) before a cow is served by the bull, on demand made by the person in charge of the cow.

Penalties.

11. Whoever—

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a license; or

(*b*) neglects or fails to submit a bull for inspection when required to do so under section 8, or

(*c*) neglects or fails to comply with an order served under section 9; or

(*d*) neglects or fails to produce a license when required to do so under section 11,

shall be punishable with fine which may extend to fifty rupees and in case of a second or any subsequent offence, with fine which may extend to one hundred rupees.

12. (1) If a person who keeps a bull neglects or fails * * * to have it castrated when required to do so under * * * section 9, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

Power of licensing officer to castrate bulls.

(2) (*a*) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the * * * age specified in section 4 and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him :

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull ; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(*d*) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (*c*) shall be determined in the prescribed manner.

Power of licensing officer, etc., to inspect or mark bulls and to enter premises.

13. For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power at all reasonable times,

(*a*) to inspect any bull ;

(*b*) to mark any bull with a prescribed mark in the prescribed manner ; and

(*c*) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

Duty of officers to report offences.

14. It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agricultural and Revenue Departments :

(*a*) to give immediate information to the nearest licensing officer, of the commission of any offence,

* * *

* punishable under this Act which may come to their knowledge ;

(*b*) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed ; and

(*c*) to assist any licensing officer in carrying out the provisions of this Act.

Cognizance of offences.

15. No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

Officers to be public servants.

16. The Director, every licensing officer, all officers and persons authorised by the Director or licensing officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

17. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government. Bar of certain proceedings.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of. Limitation for certain suits and prosecutions.

19. The State Government may, at any time, either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such orders in reference thereto as they think fit. Revision.

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

20. (1) The State Government may make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the circumstances in which duplicates of licenses may be granted, the fees which may be charged for the grant of such duplicates, and the conditions, restrictions and limitations subject to which they may be granted;

(c) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such officers; and

(d) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

Saving.

21. (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the licensing officer.

(2) If the licensing officer is of opinion that any such bull as is referred to in sub-section (1) is of the description set out in sub-clause (a), or sub-clause (b) or sub-clause (c) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director or cause such bull to be removed to a prescribed place.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

NOTIFICATION.

No. 6564—L.A. Bangalore, dated 19th March 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore House Rent and Accommodation Control Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY

Budget Session, March—April 1951.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE HOUSE RENT, AND ACCOMMODATION CONTROL BILL, 1951.

(Presented on 16th March 1951).

We, the members of the Select Committee to which the Mysore Rent and Accommodation Control Bill, 1951, was referred, have examined in detail the several provisions of the Bill and have the honour to submit the following report.

Clause 1.—We consider it unnecessary to set any time limit for the duration of the measure as the Act can be repealed at any time. We accordingly recommend that the words "and shall remain in force up to and inclusive of the 31st day of December 1955" in sub-clause (3) may be omitted.

Clause 2.—Item (2).—As there may be cases where the Court of the Munsiff having jurisdiction in the area may not have time or may be otherwise unable to dispose of cases under this measure, we recommend that the following words may be added at the end of the definition.—

> "or a court of such other munsiff specially authorised by the State Government by notification in the *Mysore Gazette* in this behalf."

Item (4)—As the word 'building' is comprehensive and includes 'hut,' we recommend that the words 'or hut' wherever they occur in this item may be omitted.

In clause (*b*) of this item we recommend that for the words "furniture" the words "furniture or fittings" may be substituted.

Item (6).—As it is necessary to include the Trust Boards also within the meaning of "the local authority" we recommend that the words "or a Trust Board" may be added after the words "City of Bangalore Municipal Corporation" and the words "as the case may be" may be added at the end of the definition.

New Definition.—We recommend that a new definition may be added as follows.—

"schedule" means a schedule to this Act."

Clause 3.—We have examined the provisions of this clause carefully and we are of opinion that the corresponding provisions of the existing Mysore House Rent and Accommodation Control Order, 1948, which have proved to be very satisfactory in working may be adopted in place of the existing provisions. We accordingly recommend that clause 3 may be recast as follows:—

"3(1) The provisions of this section shall apply in relation to houses within the areas specified in the Second Schedule.

(2) (*a*) Whenever any house the monthly rent of which exceeds fifteen rupees in the cities of Bangalore and Mysore and ten rupees elsewhere, becomes vacant either by the landlord ceasing to occupy the house or by the termination of a tenancy or by the eviction of a tenant or by the release of the house from requisition or otherwise, the landlord shall, within seven days of the house becoming vacant, give intimation in writing to the Controller.

(*b*) Every intimation given under clause (*a*), shall contain such particulars as may be prescribed.

(3) If within ten days of the receipt by the Controller of a notice under sub-section (2), the Controller does not intimate the landlord in writing that the house is required for the purposes of the State Government or of the Central Government, or of the Government of any other State, or of any local authority or Public body, or of any educational or other public institution or for the occupation of any officer of any Government, authority, body or institution aforesaid, or for the occupation of any other person, for such period as shall be specified in the notice and that the possession of the house shall be delivered to the Government, authority, body, institution, officer or person concerned, the landlord shall be at liberty to let the house to any person, or if the Controller, on application

made by the landlord, permits the landlord to do so, to occupy the house himself:

Provided that the Controller shall, before requiring the house for any of the purposes specified in this sub-section, take into consideration any representation made by the landlord requiring the house *bona fide* for his own occupation or about the suitability of the proposed tenant:

Provided further that nothing in this sub-section shall apply in respect of any house, the possession of which has been obtained by the landlord on the basis of an order made under sub-section 3 of section 8 or in respect of any house which has been released from requisition for the occupation and use of the landlord himself.

(4) Upon the service of an order under sub-section (3), the landlord shall deliver possession of the house to the Government, authority, body, institution, officer or person concerned and such Government, authority, body, institution, officer or person shall be deemed to be the tenant of the landlord, with effect from the date on which the Controller received notice under sub-section (2), the terms of the tenancy being such as may be agreed upon between the landlord and the tenant, or in default of agreement as may be determined by the Controller:

Provided that the rent payable shall not exceed the fair rent which may be payable for the house under the provisions of this Act.

(5) If any person refuses or fails to comply with a notice under sub-section (3), requiring delivery of possession of a house, then, without prejudice to any action against him in respect of such contravention, the Controller may take possession of the house and may, for that purpose, use such force as may be necessary.

(6) Any house taken on lease by the State Government under this section may be put to any such use as the State Government thinks fit, and in particular, the State Government may permit the use of the house for the purposes of any public institution or of a local authority or of the Central Government or of any other State Government or as a residence by any officer in the service of the State Government or of the Central Government or of any other State Government or of a local authority."

Clause 4. (1).—In order to prevent belated applications being filed under this clause, we recommend that in

sub-clause (1), a second proviso may be added as follows :—

"Provided further that no application for fixation of fair rent shall be entertained if preferred after a period of three months from the date of commencement of the tenancy or from the date of enhancement of rent, if any, demanded or paid."

Sub-clauses (*4*) and (*5*).—In order that the proviso to sub-clause (4) may be made applicable even to cases filed under sub-clause (3) and to exclude cases filed under sub-clause (5) from the purview of this proviso, we recommend that the proviso may be omitted and sub-clause (5) may be recast as follows :—

"(5) In the case of a house which has been constructed after the first day of April 1942, the fair rent fixed shall not exceed six per centum per annum on the capital cost of the house and in the case of any other house, the fair rent fixed, shall not exceed four per centum per annum of the current market value of the house."

We recommend that sub-clause (6) may be deleted in view of the amendment proposed to the definition of the word 'house'.

Clause 5 (*1*).—In view of the amendment proposed to clause 3 it is unnecessary to refer to leases of the State Government and we accordingly recommend that the words "or is leased to the State Government" and "or of the State Government as the case may be" may be omitted.

We are of the opinion that an increase in fair rent should be permitted in cases where there is an increase in the rental value as entered in the property tax assessment book of a local authority. We therefore recommend that before the proviso to this sub-section, the following words may be inserted.—

"or the rental value as entered in the property tax assessment book of the local authority has been increased."

We further recommend that the proviso to this sub-section may be recast as follows :—

"Provided that an increase in fair rent under this sub-section shall be fixed having regard to the said

increase in the rental value, and in the case of any addition, improvement or alteration, not exceeding six per centum per annum on the cost of such addition, improvement or alteration, and it shall not be chargeable until such addition, improvement or alteration has been completed."

Sub-Clause (2) We recommend that the proviso to this sub-clause may be omitted.

Clause 6.—In item (*c*) of this clause, we recommend that for the words "by the tenant whether before or after the first day of July 1948", the words "by the tenant within three months prior to the date of the application for the fixation of fair rent' may be substituted.

Clause 7.—In sub-clause (1) of this clause for the words "Every landlord shall", we recommend that the words "Every landlord may, and at the request of the tenant shall" may be substituted.

Clause 8.—In the first proviso to sub-clause (1) of this clause we recommend that the words "or that the claim is unfounded" may be omitted.

Sub-clause (2).—We recommend that this sub-clause may be recast on the lines of the existing Mysore House Rent and Accommodation Control Order, 1948, as follows:

"(2) A landlord who seeks to evict a tenant in possession shall apply to the court for a direction in that behalf. If the court, after giving the tenant a suitable opportunity of showing cause against such application, is satisfied.—

(i) that the tenant has not tendered or paid the rent due by him in respect of the premises within the time fixed in the agreement of tenency with the landlord, or in the absence of any such agreement, by the 15th day of the month next following that for which the rent is payable, and is not ready and willing to pay the arrears of rent due with such penalty not exceeding ten per centum thereon as may be fixed by the court; or

(ii) that the tenant is not ready and willing to pay the fair rent of the house for such period thereafter as he may continue to be in possession; or

(iii) that the tenant has after the commencement of this Act without the written consent of the landlord—

(a) transferred his right under the lease or sublet the entire premises or any portion thereof; or

(b) used the premises for a purpose other than that for which it was leased; or

(iv) that the tenant has committed such acts of waste as are likely to impair materially the value or utility of the house; or

(v) that the tenant has without the landlord's consent in writing erected on the house or any portion thereof any permanent structure; or

(vi) that the tenant or any person residing with the tenant has been guilty of such acts and conduct as amounts to nuisance or annoyance to the adjoining or neighbouring occupiers or has been convicted of using the house or allowing the house to be used for immoral or illegal purposes; or

(vii) that the tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the house or has taken any other steps, as a result of which he would, in the opinion of the Court be seriously prejudiced if he could not obtain possession of the house; or

(viii) that the house was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment; or

(ix) that the house is reasonably and *bona fide* required by the landlord for carrying out repairs which cannot be carried out without the house being vacated; or

(x) that where the house contains some vacant land such land is reasonably and *bona fide* required by the landlord for the erection of a new residential building; or

(xi) that the house has not been used without reasonable cause for the purpose for which it was let for a continuous period of three months immediately preceding the date of application; or

(xii) that the tenant after the commencement of this Act, has built, acquired vacant possession of or been allotted to a suitable house; or

(xiii) that the tenant has denied the title of the landlord or claimed the right of permanent tenancy and that such denial or claim is not *bona fide*,

the court shall make an order directing the tenant to put the landlord in possession of the house and if the court is not satisfied, it shall make an order rejecting the application."

Sub-clause 3.— We recommend that this sub-clause may be recast as follows :—

"(3) (*a*) A landlord may also apply to the court for an order directing the tenant to put him in possession of a house in the following cases : —

(i) if the house, being a residential building, if required for the *bona fide* occupation of the landlord and he is not already occupying another residential building of his own in the same city, town or other area concerned,

(ii) if the house, being a non-residential building, is required for a business which the landlord is carrying on or which he intends to start and he is not already in occupation for purposes of such business of a non-residential building of his own in the same city, town or other area concerned.

(*b*) The court shall, if it is satisfied that the claim of the landlord is *bona fide* and that the house so required is necessary for his present requirements, make an order directing the tenant to put the landlord in possession of the house on such date as may be specified by the court and if the court is not so satisfied, it shall make an order rejecting the application :

Provided that the court may give the tenant a reasonable time for putting the landlord in possession of the house and may extend such time so as not to exceed three months in the aggregate".

We recommend that after sub-clause (4) the following new sub-clauses may be inserted and sub-clauses (5) and (6) suitably renumbered :—

"(5) (*a*) The court shall while passing an order of eviction on the ground specified in clause (ix) of

sub-section (2) ascertain from the tenant whether he elects to be placed in occupation of the house or part thereof from which he is to be evicted and if the tenant so elects shall record the fact of such election in the order and specify in the order the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs.

(*b*) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of work of repairs, place the tenant in occupation of the house or part thereof on the original terms and conditions without prejudice however to the landlord's claim for enhancement of rent, if any, admissible under this Act in view of the repairs effected to the house.

(*c*) If, after the tenant had delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of the premises in accordance with clause (*b*), the court may on the application of the tenant made within one year of the specified date, order the landlord to place him in possession of the house or part thereof on the original terms and conditions and on such an order being made, the landlord or any person who may be in occupation shall give vacant possession to the tenant of the house or portion thereof.

(6) Where an order of eviction has been passed by the court on the ground specified in clause (x) of sub-section (2) and work of erection has not commenced within a period of one month from the date the landlord recovers possession of the house or the house is re-let within one year of the said date to any person other than the original tenant, the court may, on the application of the original tenant made within one year of such date, order the landlord to place him in occupation of the house on the original terms and conditions and on such order being made, the landlord and any person who may be in occupation of the house, shall give vacant possession to the original tenant."

Sub-clause (*5*) *renumbered as sub-clause* (*7*).—We recommend that the compensation may be fixed at a maximum of 100 rupees and we therefore recommend that for the words "fifty rupees" the words "one hundred rupees" may be substituted.

New sub-clause.—We recommend that after sub-clause (5) renumbered as sub-clause (7), the following new sub-clause may be added as sub-clause (8), and the existing sub-clause (6) may be renumbered as sub-clause (9).—

"(8) The court may in its discretion in proceedings for eviction under this section, direct that the tenant shall deposit in court such arrears of rent as are admittedly due and such rent as may fall due from time to time during the pendency of the proceedings."

Sub-clause (6) renumbered as sub-clause (9).—We recommend that the following words may be added at the end :—

"which have arisen after the filing of the last application."

Clause 9.—We recommend that at the end of the clause the following new sub-clause may be added as follows :—

"(5) If the tenant satisfies the court that the amenities were cut off or withheld with a view to compelling him to vacate the house or to pay an enhanced rent, the court may pass an interim order directing the landlord to restore the amenities pending enquiry referred to in sub-section (3), within such time as may be specified in the order and on his failure to do so, the tenant may effect such restoration and deduct the cost thereof from the rent or otherwise recover it from the landlord."

Clause 10.—In view of the amendment recommended in the definition of the word 'court', we recommend that this clause may also be amended by inserting the following words after the word 'court':—

"of the Munsiff having jurisdiction in such area."

Clause 13(1).—We recommend that the words, "except in cases where the tenant has undertaken by agreement to keep the house in repair" may be omitted.

Clause 15(3).—We recommend that the following explanation be added to this sub-clause :—

"*Explanation.*—The District Judge may, while confirming the order of eviction passed by the court,

grant extension of time to the tenant for putting the landlord in possession of the building."

Clause 15(4).—We recommend that in place of the existing sub-clause, the following sub-clause may be substituted :—

"(4) Subject to any decision of the High Court under section 17, the decision of the District Judge shall be final; and an order of the court or the Controller, shall, subject to the decision of the District Judge under this section or of the High Court under section 17, be final and shall not be liable to be called in question in any court of law whether in a suit or other proceedings or by way of appeal or revision."

Clause 16.—We recommend that the words "referred to in section 15" may be omitted.

Clause 21.—We recommend that for the words "The executive authority of a local authority", the words "Every local authority" may be substituted.

Clause 24.—We are of the opinion that the power to impose simple imprisonment for the contravention of the provisions of this Act is unnecessary and it should be sufficient to punish such contravention by the imposition of fine. We therefore recommend that the words "with simple imprisonment for a term which may extend to three months or" and "with both" may be omitted.

Clause 25 (2).—We recommend that after item (*d*) the following new sub-clause may be added :—

"(*e*) imposition of the levy of fees in respect of applications, petitions, memo of appeal and other processes under this Act."

New Clause 26.—We recommend that after clause 25 the following new clause may be inserted :—

"26. In matters not specifically provided for by this Act or by rules made thereunder, the provisions of the Code of Civil Procedure, 1911, shall be followed as far as possible in proceedings under this Act."

Clause 26 may be renumbered as clause 27.

In view of the proposed amendment to clause 1, we recommend that clause 27 may be deleted.

New Clause 28.—We recommend that the following may be added as clause 28 after clause 27 :—

"The Government may, by notification in the *Mysore Gazette*, add to or omit or otherwise amend the schedules to this Act."

Clause 28 may be renumbered as 29.

The Bill was published in the *Mysore Gazette* Extraordinary dated 12th January 1951.

In our opinion the Bill has not been so altered as to require re-publication.

K. T. Bhashyam (*Chairman*).
Muddu Ramiah.
W. H. Hanumanthappa.
M. N. Jois.
K. Sampangi Ramiah.
T. Ramachar.
M. Muniswamy.
V. S. Narayana Rao.
B. M. Shamanna Gowda.
S. Ranga Rao.
M. Madiah, 4th March 1951.
B. C. Nanjundaiya, 7th March 1951.

BANGALORE,
Dated 23rd Feb. 1951.

Sri G. Veerappa has not indicated his approval to the report.

THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL BILL, 1951.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title, extent, application, commencement and duration.
2. Definitions.
3. Lease to State Government of houses becoming vacant.
4. Determination of fair rent.
5. Lawful increase of or addition to or reduction in fair rent in what cases admissible.
6. Landlord not to claim anything in excess of fair rent.
7. Issue of receipts for rent.
8. Eviction of tenants.
9. Landlord not to interfere with amenities enjoyed by the tenant.
10. Execution of orders.
11. Decisions which have become final not to be reopened.
12. Conversion of residential houses.
13. Landlord's duty to keep house in good repair.
14. Orders to be pronounced in open court.
15. Appeal to the District Judge.
16. Costs.
17. Revision by the High Court.
18. Orders under the Act to be binding on sub-tenants.
19. Proceedings by or against legal representatives.
20. Exemptions.
21. Executive authorities of local authorities to furnish certified extracts from property tax assessment books.
22. Landlord and tenant to furnish particulars.
23. Power to evict from Government build ngs.
24. Penalties.

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Clauses.

25. Power to make rules.

26. Code of Civil Procedure to be followed in proceedings under the Act.

27. Continuance in force of existing proceedings, orders, etc.

28. Amendment of Schedules.

29. Repeal.

First Schedule.

Second Schedule.

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[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined or sidelined indicate the changes suggested by the Committee. Omissions are indicated by asterisks.)

THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL BILL, 1951.

A Bill to regulate the leasing of houses and for control of rent in the State of Mysore.

WHEREAS it is expedient to regulate the letting of residential and non-residential houses and to control the rents of such houses and to prevent unreasonable eviction of tenants therefrom in the State of Mysore; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore House Rent and Accommodation Control Act, 1951. Short title, extent, application, commencement and duration.

(2) It extends to all the areas to which the Mysore House Rent and Accommodation Control Order, 1948, was extended and to such other areas in the State as the State Government may, from time to time, specify by notification in the *Mysore Gazette*; but save as provided in Section 23, it shall not apply—

(*a*) to any house belonging to the State Government or the Central Government; or

(*b*) to any tenancy or other like relationship created by a grant from the State Government in respect of houses taken on lease or requisitioned by the State Government.

(3) It shall come into force at once.

* * *

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Controller" means, in respect of any local area, any person appointed by the State Government to perform the functions of the Controller, under this Act in such area;

(2) "court" means in respect of any local area, the court of the munsiff having jurisdiction in such area; or a court of such other munsiff specially authorised by the State Government by notification in the *Mysore Gazette* in this behalf;

(3) "fair rent" means the fair rent fixed under section 4;

(4) "house" means, in the areas specified in the First Schedule, any building * or part of a building * let or to be let separately, for residential or non-residential purposes, and elsewhere, any building * or part of a building * let or to be let only for residential purposes and includes—

(*a*) the garden, grounds and out-houses, if any, appurtenant to such building, * or part of such building * and let or to be let along with such building;

(*b*) any furniture or fittings supplied by the land-lord for use in such building * or part of a building * but does not include a room in a hotel or boarding house;

(5) "land-lord" includes the person who is receiving or is entitled to receive the rent of a house, whether on his own account or on behalf of another or on behalf of himself and others, or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the house were let to a tenant;

Explanation.—Any person who sub-lets shall be deemed to be a land-lord within the meaning of this Act.

(6) "local authority" means the City of Bangalore Municipal Corporation or a Trust Board or a District Board or a City Municipal Council or a Town Municipal Council or a Minor Municipal Council or a Sanitary Board or a Town Board or a Village Panchayet as the case may be;

(7) "prescribed" means prescribed by rules made under this Act;

(8) "schedule" means a schedule to this Act.

(9) "tenant" means any person by whom or on whose account rent is payable for a house and includes a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a house by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been framed out or leased by a local authority.

Lease to State Government of houses becoming vacant.

3. (1) The provisions of this section shall apply in relation to houses within the areas specified in the Second Schedule.

(2) (*a*) Whenever any house the monthly rent of which exceeds fifteen rupees in the Cities of Bangalore and Mysore and ten rupees elsewhere, becomes vacant either by the land-lord ceasing to occupy the house or by the termination of a tenancy or by the eviction of a tenant or by the release of the house from requisition or otherwise, the land-lord shall, within seven days of the house becoming vacant, give intimation in writing to the Controller.

(*b*) Every intimation given under clause (*a*), shall contain such particulars as may be prescribed.

(3) If within ten days of the receipt by the Controller of a notice under sub-section (2), the Controller does not intimate the landlord in writing that the house is required for the purposes of the State Government or of the Central Government or of the Government of any other State, or of any local authority or public body, or of any educational or other public institution or for the occupation of any officer of any Government, authority, body or institution aforesaid, or for the occupation of any other person, for such period as shall be specified in the notice and that the possession of the house shall be delivered to the Government, authority, body, institution, officer or person concerned, the landlord shall be at liberty to let the house to any person, or if the Controller, on application made by the landlord, permits the landlord to do so, to occupy the house himself:

Provided that the Controller shall, before requiring the house for any of the purposes specified in this sub-section, take into consideration any representation made

by the landlord requiring the house *bona fide* for his own occupation or about the suitability of the proposed tenant:

Provided further that nothing in this sub-section shall apply in respect of any house the possession of which has been obtained by the landlord on the basis of an order made under sub-section (3) of section 8 or in respect of any house which has been released from requisition for the occupation and use of the landlord himself.

(4) Upon the service of an order under sub-section (3), the landlord shall deliver possession of the house to the Government, authority, body, institution, officer or person concerned and such Government, authority, body, institution, officer or person shall be deemed to be the tenant of the landlord, with effect from the date on which the Controller received notice under sub-section (2), the terms of the tenancy being such as may be agreed upon between the landlord and the tenant, or in default of agreement as may be determined by the Controller:

Provided that the rent payable shall not exceed the fair rent which may be payable for the house under the provisions of this Act.

(5) If any person refuses or fails to comply with a notice under sub-section (3), requiring delivery of possession of a house, then, without prejudice to any action against him in respect of such contravention, the Controller may take possession of the house and may, for that purpose, use such force as may be necessary.

(6) Any house taken on lease by the State Government under this section may be put to any such use as the State Government thinks fit, and in particular, the State Government may permit the use of the house for the purposes of any public institution or of a local authority or of the Central Government or of any other State Government or as a residence by any officer in the service of the State Government or of the Central Government, or of any other State Government or of a local authority.

* * *

Determination of fair rent.

4. (1) The Controller may, in any case, and shall, on the application of the tenant or landlord of a house, fix the fair rent for such house after holding such enquiry as the Controller thinks fit:

Provided that if rent had been agreed upon between the landlord and the tenant for a specific period either

by a written agreement or otherwise prior to the sixteenth day of June, 1942, in the case of a house let for residential purposes, or the seventeenth day of September, 1944, in the case of a house let for non-residential purposes, such rent shall not be altered during such period, unless the Controller is satisfied that unfair advantage has been taken by the landlord of the needs of the tenant to obtain such agreement :

Provided further that no application for fixation of fair rent shall be entertained if preferred after a period of three months from the date of commencement of the tenancy or from the date of enhancement of rent, if any, demanded or paid.

(2) In fixing the fair rent under sub-section (1), the Controller shall have due regard—

(*a*) to the prevailing rates of rent in the locality for the same or similar house in similar circumstances during the twelve months prior to the first day of April, 1942 ;

(*b*) to the rental value as entered in the property tax assessment book of the local authority relating to the period mentioned in clause (*a*) ;

(*c*) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the first day of April, 1942.

(3) In fixing the fair rent of residential houses, the Controller may allow—

(i) if the rate of rent or rental value referred to in sub-section (2) does not exceed Rs. 25 per mensem, an increase not exceeding 33⅓ per centum on such rate or rental value ;

(ii) if the rate of rent or rental value exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem, an increase not exceeding 50 per centum on such rate or rental value ;

(iii) if the rate of rent or rental value exceeds Rs. 50 per mensem, an increase not exceeding 75 per centum on such rate or rental value.

(4) In fixing the fair rent of non-residential houses, the Controller may allow—

(i) in the case of hotels, cinema theatres and other places of amusement, an increase not exceeding 200 per centum on the rate of rent or rental value referred to in sub-section (2);

(ii) in other cases an increase not exceeding 150 per centum on the rate of rent or rental value referred to in sub-section (2).

* * *

(5) In the case of a house which has been constructed after the first day of April, 1942, the fair rent fixed shall not exceed six per centum per annum on the capital cost of the house and in the case of any other house, the fair rent fixed, shall not exceed four per centum per annum of the current market value of the house.

* * *

Lawful increase of or addition to or reduction in fair rent in what cases admissible.

5. (1) When the fair rent of a house has been fixed under section 4, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the house is then in the occupation of a tenant, * * * at the request of such tenant, * * * or the rental value as entered in the property tax assessment book of the local authority has been increased:

Provided that an increase in fair rent under this sub-section shall be fixed having regard to the said increase in the rental value, and in the case of any addition, improvement or alteration, not exceeding six per centum per annum on the cost of such addition, improvement or alteration, and it shall not be chargeable until such addition, improvement or alteration has been completed.

(2) Where the landlord pays in respect of any house any charge for electricity or water consumed in the house, or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant any amount so paid by him; but no landlord shall recover from his tenant, whether by means of an increase in rent

or otherwise, the amount of any tax on house or land imposed in respect of the house occupied by the tenant.

* * *

(3) Where, after the fair rent of a house has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed.

(4) Any dispute between the landlord and the tenant in regard to any increase or addition or reduction claimed under this section, shall be decided by the Controller.

Landlord not to claim anything in excess of fair rent.

6. When the Controller has determined the fair rent of a house—

(a) the landlord shall not claim or receive any premium or other like sum in addition to fair rent or any rent in excess of such fair rent:

Provided that the landlord may stipulate for and receive as advance, an amount not exceeding one month's rent;

(b) any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent, except in cases falling under section 5 or the proviso to clause (a) of this section, shall be null and void in respect of such addition or excess and shall be construed as if it were an agreement for payment of the fair rent;

(c) except in cases falling under section 5 or the proviso to clause (a) of this section, any sum paid in excess of the fair rent, by the tenant, within three months prior to the date of the application for the fixation of fair rent, shall be refunded to the tenant or at the option of the tenant, otherwise adjusted.

Issue of receipts for rent.

7. (1) Every landlord may and at the request of the tenant shall, at the time of receiving the rent, issue a written receipt to the tenant giving full particulars of the month to which the rent relates and the amount received.

(2) If any landlord fails to issue a receipt in accordance with sub-section (1), the tenant may remit to the

landlord the rent on the date it falls due by postal money order deducting the money order commission.

(3) Nothing in sub-section (2) shall prevent the prosecution of any landlord in respect of a contravention of the provisions of sub-section (1).

Eviction of tenants.

8. (1) A tenant in possession of a house shall not be evicted therefrom, whether in execution of a decree or otherwise and whether before or after the termination of the tenancy, except in accordance with the provisions of this section :

Provided that where the tenant denies the title of the landlord or claims right of permanent tenancy, the court shall decide whether the denial or claim is *bona fide* and if it records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a civil court of competent jurisdiction and the said civil court may pass a decree for eviction on any of the grounds mentioned in this section, notwithstanding that the said civil court finds that such denial does not involve forfeiture of the lease :

Provided further that nothing contained in this section shall apply to cases where a landlord has no right to evict under the terms of the lease and any law for the time being in force (other than this Act) governs such lease.

(2) A landlord who seeks to evict a tenant in possession shall apply to the court for a direction in that behalf. If the court, after giving the tenant a suitable opportunity of showing cause against such application, is satisfied—

(i) that the tenant has not tendered or paid the rent due by him in respect of the premises within the time fixed in the agreement of tenancy with the landlord, or in the absence of any such agreement, by the 15th day of the month next following that for which the rent is payable, and is not ready and willing to pay the arrears of rent due with such penalty not exceeding ten per centum thereon as may be fixed by the court, or

(ii) that the tenant is not ready and willing to pay the fair rent of the house for such period thereafter as he may continue to be in possession ; or

(iii) that the tenant has after the commencement of this Act without the written consent of the landlord—

(a) transferred his right under the lease or sublet the entire premises or any portion thereof; or

(b) used the premises for a purpose other than that for which it was leased; or

(iv) that the tenant has committed such acts of waste as are likely to impair materially the value or utility of the house; or

(v) that the tenant has without the landlord's consent in writing erected on the house or any portion thereof any permanent structure; or

(vi) that the tenant or any person residing with the tenant has been guilty of such acts and conduct as amounts to nuisance or annoyance to the adjoining or neighbouring occupiers or has been convicted of using the house or allowing the house to be used for immoral or illegal purposes; or

(vii) that the tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the house or has taken any other steps, as a result of which he would, in the opinion of the court be seriously prejudiced if he could not obtain possession of the house; or

(viii) that the house was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment; or

(ix) that the house is reasonably and *bona fide* required by the landlord for carrying out repairs which cannot be carried out without the house being vacated; or

(x) that where the house contains some vacant land such land is reasonably and *bona fide* required by the landlord for the erection of a new residential building; or

(xi) that the house has not been used without reasonable cause for the purpose for which it was let for a continuous period of three months immediately preceding the date of application; or

(xii) that the tenant, after the commencement of this Act, has built, acquired vacant possession of or been allotted a suitable house; or

(xiii) that the tenant has denied the title of the landlord or claimed the right of permanent tenancy and that such denial or claim is not *bona fide*,

the court shall make an order directing the tenant to put the landlord in possession of the house and if the court is not so satisfied, it shall make an order rejecting the application.

(3) (*a*) A landlord may also apply to the court for an order directing the tenant to put him in possession of a house in the following cases:—

(i) if the house, being a residential building, if required for the *bona fide* occupation of the landlord and he is not already occupying another residential building of his own in the same city, town or other area concerned;

(ii) if the house, being a non-residential building, is required for a business which the landlord is carrying on or which he intends to start and he is not already in occupation for purposes of such business of a non-residential building of his own in the same city, town or other area concerned.

(*b*) The court shall, if it is satisfied that the claim of the landlord is *bona fide*, and that the house so required is necessary for his present requirements, make an order directing the tenant to put the landlord in possession of the house on such date as may be specified by the court and if the court is not so satisfied, it shall make an order rejecting the application:

Provided that the court may give the tenant a reasonable time for putting the landlord in possession of the house and may extend such time so as not to exceed three months in the aggregate.

(4) Where a landlord who has obtained possession of a house in pursuance of an order under sub-section (3),

does not himself occupy it within one month of the date of obtaining possession, the tenant who has been evicted may apply to the court for an order directing that he shall be restored to possession of the house and the court shall make an order accordingly.

(5) (*a*) The court shall while passing an order of eviction on the ground specified in clause (ix) of sub-section (2) ascertain from the tenant whether he elects to be placed in occupation of the house or part thereof from which he is to be evicted and if the tenant so elects shall record the fact of such election in the order and specify in the order the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs.

(*b*) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of work of repairs, place the tenant in occupation of the house or part thereof on the original terms and conditions without prejudice however to the landlord's claim for enhancement of rent, if any, admissible under this Act in view of the repairs effected to the house.

(*c*) If, after the tenant had delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of premises in accordance with clause (*b*), the court may on the application of the tenant made within one year of the specified date order the landlord to place him in possession of the house or part thereof on the original terms and conditions and on such an order being made, the landlord or any person who may be in occupation shall give vacant possession to the tenant of the house or portion thereof.

(6) Where an order of eviction has been passed by the court on the ground specified in clause (x) of sub-section (2) and work of erection has not commenced within a period of one month from the date the landlord recovers possession of the house or the house is relet within one year of the said date to any person other than the original tenant, the court may, on the application of the original tenant made within one year of such date, order the landlord to place him in occupation of the house on

the original terms and conditions and on such order being made, the landlord and any person who may be in occupation of the house, shall give vacant possession to the original tenant.

(7) Where the court is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the court may direct that compensation not exceeding one hundred rupees be paid by such landlord to the tenant.

(8) The court may in its discretion in proceedings for eviction under this section, direct that the tenant shall deposit in court such arrears of rent as are admittedly due and such rent as may fall due from time to time during the pendency of the proceedings.

(9) Where an application under sub-section (2) or sub-section (3) for evicting a tenant has been rejected by the court, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds specified in sub-section (2) or sub-section (3) which have arisen after the filing of the last application.

Landlord not to interfere with amenities enjoyed by the tenant.

9. (1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a house may, if the landlord has contravened the provisions of this section, make an application to the court complaining of such contravention.

(3) If the court, on inquiry, finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, it shall make an order directing the landlord to restore such amenities.

(4) The court may in its discretion direct that compensation not exceeding fifty rupees—

(*a*) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(*b*) be paid to the tenant by the landlord, if the landlord had cut off or withheld the amenities frivolously or vexatiously.

(5) If the tenant satisfies the court that the amenities were cut off or withheld with a view to compelling him to vacate the house or to pay an enhanced rent, the court

may pass an interim order directing the landlord to restore the amenities pending inquiry referred to in sub-section (3), within such time as may be specified in the order and on his failure to do so, the tenant may effect such restoration and deduct the cost thereof from the rent or otherwise recover it from the landlord.

10. Every order made under section 8 or section 9 and every order passed on appeal under section 15 or in revision under section 17 shall be executed by the court of the Munsiff having jurisdiction in such area as if it were a decree passed by it. Execution of orders.

11. The court shall summarily reject any application under sub-section (2) or under sub-section (3) of section 8 which raises between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided in a former proceeding under the Mysore House Rent Control Order, 1945, or under the Mysore House Rent and Accommodation Control Order, 1948, or under this Act. Decisions which have become final not to be reopened.

12. Save as otherwise provided in this Act, no residential house, shall be converted into a non-residential house except with the permission in writing of the Controller. Conversion of residential houses.

13. (1) The landlord shall be bound to keep in good and tenantable repair any house to which this Act applies. Landlord's duty to keep house in good repair.

* * * *

(2) If the landlord neglects to make, within a reasonable time after notice, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself, and deduct the expenses of such repairs from the rent, or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year, shall not exceed one-twelfth of the rent payable by the tenant for that year.

14. Every order passed by a court or the Controller under this Act, shall be pronounced in open court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties. Orders to be pronounced in open court.

Appeal to the District Judge.

15. (1) (*a*) Except in respect of orders under section 23, any person aggrieved by an order passed by the court or the Controller may, within fifteen days from the date of the order, prefer an appeal in writing to the District Judge having jurisdiction over the area in which the house is situate.

In computing the fifteen days aforesaid, the time taken to obtain a certified copy of the order appealed against shall be excluded.

(*b*) The provisions of section 5 of the Mysore Limitation Act, 1911, shall be applicable to appeals under this section.

(2) On such appeal being preferred, the District Judge may order stay of further proceedings in the matter pending decision on the appeal.

(3) The District Judge shall send for the records of the case from the court or the Controller, as the case may be, and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as he thinks fit, either personally or through the court or the Controller, as the case may be, shall decide the appeal.

Explanation.—The District Judge may, while confirming the order of eviction passed by the court, grant extension of time to the tenant for putting the landlord in possession of the building.

(4) Subject to any decision of the High Court under section 17, the decision of the District Judge shall be final; and an order of the court or the Controller shall, subject to the decision of the District Judge under this section or of the High Court under section 17, be final and shall not be liable to be called in question in any court of law whether in a suit or other proceedings or by way of appeal or revision.

Costs.

16. Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the court, the Controller or the District Judge * * * shall be in the discretion of the court, Controller or the District Judge who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose.

Explanation.—The District Judge may set aside or vary any order passed by the court or the Controller in regard to the costs of and incident to the proceedings before him.

17. (1) Except in respect of orders under section 23, the High Court may, at any time, call for and examine the records relating to any decision given or proceeding taken by the District Judge or any order passed or proceeding taken by the court or the Controller under this Act, for the purpose of satisfying itself as to the legality or correctness of such decision, order or proceeding and may pass such order in reference thereto as it thinks fit. Revision by the High Court.

(2) The costs of and incident to all proceedings before the High Court shall be in its discretion.

18. Any order for the eviction of a tenant passed under this Act, shall be binding on all sub-tenants under such tenant, whether they were parties to the proceedings or not, provided that such order was not obtained by fraud or collusion. Orders under the Act to be binding on sub-tenants.

19. (1) Any application made, appeal preferred, or proceeding taken, under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives. Proceedings by or against legal representatives.

(2) Where any application, appeal or other proceeding could have been made, preferred or taken under this Act by or against any person, such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representatives.

20. Notwithstanding anything contained in this Act, the State Government may, by notification in the *Mysore Gazette*, exempt any house or class of houses from all or any of the provisions of this Act. Exemptions.

21. * * * Every local authority shall, on application made in this behalf and on payment of such fee, as may, from time to time, be fixed by the State Government by notification in the *Mysore Gazette*, grant to the applicant a certified copy of the extract from the propertytax assessment book of the local authority showing the rental value of the house or houses in Local authorities to furnish certified extracts from property tax assessment books.

respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

Landlord and tenant to furnish particulars.

22. Every landlord and every tenant of a house shall be bound to furnish to the Controller or any person authorised by him in that behalf, such particulars in respect of the house as may be prescribed.

Power to evict from Government buildings.

23. (1) If the Controller is satisfied—

(*a*) that the person authorised to occupy any Government building has sub-let, without the permission of the State Government or any officer empowered in this behalf by the State Government or the Controller, the whole or any part of such building, or has otherwise acted in contravention of the terms, express or implied under which he is authorised to occupy such building, or

(*b*) that any person is in unauthorised occupation of any Government building,

the Controller may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the building, shall vacate it within ten days of the service of the notice.

Explanation.—In this sub-section, "Government building" means any house belonging to, or taken on lease or requisitioned by the State Government.

(2) If any person refuses or fails to comply with an order made under sub-section (1), without prejudice to any other action against such person, the Controller may evict that person from, and take possession of, the house and may for that purpose use such force as may be necessary.

(3) Any person aggrieved by an order under sub-section (1), may, within seven days of the receipt thereof, appeal in writing to the State Government, who may, after calling for a report from the Controller and after making such further enquiry, if any, as they think fit, pass an order determining the appeal.

(4) Action may be taken under this section whether or not any proceedings for possession are pending in respect

of the house and upon such action being taken, the said proceedings shall forthwith be vacated.

24. (1) If any person contravenes any of the provisions of sub-section (2) of section 3, any notice under sub-section (3) of section 3, sub-section (2) of section 5, clause (*a*) of section 6, sub-section (1) of section 7, sub-section (1) of section 8, sub-section (1) of section 9, section 12, section 22 or any order under sub-section (1) of section 23, he shall be punishable * * * * * * * * * with fine which may extend to two thousand rupees. Penalties.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1904, it shall be lawful for any magistrate of the first class, specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding one thousand rupees when awarding punishment under sub-section (1), or for the contravention of any rule made punishable under sub-section (3) of section 25.

25. (1) The State Government may make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the procedure to be followed by the Controllers, the courts and the District Judges in the performance of their functions under this Act;

(*b*) the manner in which intimation, notices and orders under this Act shall be given or served;

(*c*) setting aside *ex parte* orders passed under this Act;

(*d*) applications for making legal representatives of deceased persons parties to proceedings under this Act and the time within which such applications shall be preferred;

(*e*) imposition of the levy of fees in respect of applications, petitions, memo of appeal and other processes under this Act.

(3) In making a rule under this section, the State Government may provide that a person who contravenes

any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.

(4) All rules made under this section shall be published in the *Mysore Gazette*, and upon such publication shall have effect as if enacted in this Act.

Code of Civil Procedure to be followed in proceedings under the Act.

26. In matters not specifically provided for by this Act or by rules made thereunder, the provisions of the Code of Civil Procedure 1911 shall be followed as far as possible in proceedings under this Act.

Continuance in force of existing proceedings, orders, etc.

27. (1) All proceedings commenced and all action taken under the Mysore House Rent and Accommodation Control Order, 1948, and pending at the commencement of this Act, shall, so far as may be, be deemed to have been commenced or taken under the corresponding provisions of this Act and be continued subject to the provisions thereof.

(2) All orders passed and all decisions given under the Mysore House Rent Control Order, 1945, or the Mysore House Rent and Accommodation Control Order, 1948, and in which fair rent has been fixed shall continue in force until they are superseded or modified under this Act by the authority competent to do so.

* * *

Amendment of Schedules.

28. The Government may, by notification in the *Mysore Gazette*, add to or omit or otherwise amend the schedules to this Act.

Repeal.

29. The Mysore House Rent and Accommodation Control Order, 1948, is hereby repealed.

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FIRST SCHEDULE.

[*See Section 2 (4)*].

1. Cities of Bangalore, Mysore and Davangere.
2. Ramachandrapuram Extension near the City of Bangalore.
3. The Kolar Gold Fields Sanitary Board Area.
4. The Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan, Mandya, Bangarpet, Chintamani, Chikballapur, Tiptur, Harihar, Sagar, Arsikere, Saklespur, Nanjangud and Bhadravati (old).

SECOND SCHEDULE.

[*See Section 3 (1)*].

1. Cities of Bangalore, Mysore and Davangere.
2. Ramachandrapuram Extension near the City of Bangalore.
3. The Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan and Mandya.

G. S. VENKATARAMANA IYER,
Secretary, Mysore Legislature.

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The Mysore Gazette

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(EXTRAORDINARY)

BANGALORE, MONDAY, MARCH 26, 1951.

NOTIFICATION.

No. L.D. 3529, Bangalore, dated 26th March 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Health Cess Bill, 1951, together with the Statement of Objects and Reasons is published for general information.

THE MYSORE HEALTH CESS BILL, 1951.

A Bill to provide for the levy of a health cess on certain items of Revenue.

WHEREAS it is expedient to provide for the levy of a health cess on certain items of revenue; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Health Cess Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on the first day of April 1951.

2. In this Act— Definitions.

(1) "education cess" means the education cess leviable under the Mysore Elementary Education Act, 1941 (Mysore Act VI of 1941);

(2) "Government" means the State Government; and

(3) "notification" means a notification published in the *Mysore Gazette*.

Levy of Health Cess.

3. (1) There shall be levied and collected a health cess at a rate not exceeding one anna in the rupee as may be specified by the Government by notification on all the items of revenue on which the education cess is leviable.

(2) The Government may by notification levy the health cess on such other items of revenue as they may deem fit.

Mode of recovery of the cess.

4. (1) Any sum due on account of the health cess levied under sub-section (1) of section 3 shall be recoverable in the same manner as the education cess is recoverable.

(2) Any sum due on account of the health cess levied under sub-section (2) of section 3 shall be recoverable in such manner as the Government may prescribe by rules.

Levy of cess under other Acts not affected.

5. Nothing in this Act shall affect the operation of the provisions of any other Act and the levy of the health cess under this Act is in addition to and not in lieu of any other duty or cess that may be leviable under any other law for the time being in force.

Power to make rules.

6. The Government may, by notification, make rules for carrying out the purposes of this Act.

Statement of Objects and Reasons.

In view of the increased expenditure in Medical and Health Departments, it is necessary to tap additional sources of revenue at least to meet the increased cost of medicines, like D.D.T., etc. It is proposed to levy a health cess on the items of revenue on which education cess is levied. The question of extending the cess to other items of revenue is under consideration, and power has been taken under the Bill to enable such extension.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 3534, Bangalore, dated 26th March 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Cinematograph Entertainments Tax Bill, 1951, together with the Statement of Objects and Reasons is published for general information.

THE MYSORE CINEMATOGRAPH ENTERTAINMENTS TAX BILL, 1951.

A Bill to provide for the levy of an additional tax on cinematograph entertainments in the State of Mysore.

Whereas it is expedient to provide for the levy of an additional tax on cinematograph entertainments in the State of Mysore; Preamble.

It is hereby enacted as follows.—

1 (1) This Act may be called the Mysore Cinematograph Entertainments Tax Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on the first day of April, 1951.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "cinematograph entertainment" means any cinematograph exhibition held in any place to which persons are admitted on payment;

(2) "Government" means the State Government;

(3) "notification" means a notification published in the *Mysore Gazette*;

(4) "prescribed" means prescribed by rules made under this Act;

(5) "proprietor" in relation to any cinematograph entertainment, includes any person responsible for the management thereof.

Tax on cinematograph entertainments.

3. (1) There shall be charged, levied and paid to the Government, a tax on cinematograph entertainments, hereinafter referred to as the cinematograph tax, calculated at the following rates, namely :—

Cinematograph entertainments liable to tax	*Rate of tax.*
(*a*) Entertainments other than those held with cinematograph apparatus and plant taken from place to place.—	For every seat provided for persons admitted to the place of entertainment—
(i) held in the Cities of Bangalore, Mysore and Davangere and in the Kolar Gold Fields Sanitary Board Area;	one rupee and eight annas per mensem.
(ii) held in the Towns of Kolar, Tumkur, Chitaldrug, Shimoga Chickmagalur, Hassan and Mandya;	one rupee per mensem.
(iii) held in any other area in the State.	twelve annas per mensem.
(*b*) Entertainments held with cinematograph apparatus and plant taken from place to place.	Two rupees and eight annas for every show.

(2) The tax under sub-section (1), shall be recoverable from the proprietor.

(3) The tax under sub-section (1), shall be assessed, levied and collected in such manner and in such instalments as may be prescribed.

Penalty for non-payment of tax.

4. The proprietor of a cinematograph entertainment who,—

(*a*) fails to pay the cinematograph tax due from him within the time prescribed; or

(*b*) fraudulently evades the payment of any cinematograph-tax due under this Act;

shall, on conviction, be liable in respect of each such offence, to a fine which may extend to five hundred

rupees, and shall in addition be liable to pay one and one-fourth times the tax which should have been paid.

5. The Government may, by general or special order, exempt any cinematograph entertainment or class of cinematograph entertainments from payment of the cinematograph tax. Exemptions.

6. (1) Any sum due on account of the cinematograph tax, shall be recoverable by the Government as an arrear of land revenue. Recoveries.

(2) Any fine imposed under this Act, shall be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of fines.

7. (1) The Government may, by notification, make rules for the purpose of carrying out the provisions of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for the following matters:—

(*a*) the manner of assessment and levy of the cinematograph tax payable by any proprietor for any year or part thereof;

(*b*) the proper maintenance of accounts and submission of returns;

(*c*) the time and manner of payment and collection of the cinematograph tax;

(*d*) the duties and powers of officers appointed for enforcing the provisions of this Act; and

(*e*) the issue of passes by the proprietors of cinematograph entertainment for the admission of officers who have to perform any duty in connection therewith or any other duty imposed upon them by law.

(3) Any person who acts in contravention of, or fails to comply with, any rule made under sub-section (1), or sub-section (2) shall, on conviction, before a Magistrate be liable in respect of each offence to a fine not exceeding five hundred rupees.

Power of Government to delegate certain powers.

8. The Government may, by notification, delegate all or any of their powers under this Act, except those conferred on them by section 7 and by this section, to any officer subordinate to the Government.

Application of other Acts not affected.

9. The provisions of this Act are in addition to, and not in derogation of any other Act for the time being in force, relating to the levy of any tax on entertainments and amusements.

Statement of Objects and Reasons.

In view of increasing expenditure on the various nation building activities, the need has arisen to tap additional sources of State Revenue. It is therefore proposed to levy an additional tax on cinematograph entertainments. Hence this Bill.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. 6910 –L.A., Bangalore, dated, 26th March 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders the report of the Select Committee on the Mysore Town Municipalities Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

Reg. No. M. 1175

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BANGALORE, THURSDAY, MARCH 29, 1951.

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 3556, Bangalore, dated 29th March 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Motor Vehicles Taxation and Tolls Bill, 1951, together with the Statement of Objects and Reasons is published for general information.

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THE MYSORE MOTOR VEHICLES TAXATION AND TOLLS BILL, 1951.

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THE MYSORE MOTOR VEHICLES TAXATION AND TOLLS BILL, 1951.

A Bill to consolidate and amend the law relating to the levy of taxes on motor vehicles and tolls in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of taxes on motor vehicles and tolls in the State of Mysore; **Preamble.**

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Motor Vehicles Taxation and Tolls Act, 1951. **Short title, extent and commencement.**

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on the 1st day of April, 1951.

2. In this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

(1) "Motor Vehicles Act, 1939" means the Motor Vehicles Act, 1939, (Central Act IV of 1939);

(2) The following expressions shall have the meanings assigned to them respectively in the Motor Vehicles Act, 1939,—

(*a*) "contract carriage,"

(*b*) "goods,"

(*c*) "goods vehicles,"

(*d*) "invalid carriage,"
(*e*) "motor cab,"
(*f*) "motor cycle,"
(*g*) "motor vehicles,"
(*h*) "stage carriage,"
(*i*) "trailer,"
(*j*) "unladen weight,"

(3) "Government" means the State Government;

(4) "laden weight" in relation to—

(*a*) a motor vehicle means, in case a permit is issued to the vehicle under the Motor Vehicles Act, 1939, the maximum laden weight specified in such permit; if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle, and, if such weight is not specified in such certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit;

(*b*) a trailer means, in case a permit is issued under the Motor Vehicles Act, 1939, to a vehicle to which the trailer is attached the maximum laden weight prescribed in such permit in respect of the trailer; if, no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle to which the trailer is attached, and, if such weight is not specified in such certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit;

(5) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Act;

(6) "local authority" means the Corporation of the City of Bangalore, a City Municipal Council or such Town Municipal Council or Sanitary Board or Town Board as the Government may specify by notification;

(7) "notification" means a notification published in the *Mysore Gazette*;

(8) "prescribed" means prescribed by rules made under this Act;

(9) "public road" means any street, road, square, court, alley, passage, or riding path over which the public have a right of way, whether a thoroughfare or not, and includes the roadway over any public bridge or causeway;

(10) "registered owner" means a person in whose name a motor vehicle or trailer is registered under the Motor Vehicles Act, 1939;

(11) "schedule" means a schedule to this Act;

(12) "side car" means a wheeled carrier attached to a motor vehicle which rests on not more than two wheels;

(13) "tax" means a tax levied under this Act;

(14) "tax licence" means the document issued by a licensing officer in respect of any motor vehicle indicating that taxes leviable on that vehicle under this Act have been paid;

(15) "year" means the financial year; "half-year" means the first six months or the second six months of such year; and "quarter" means the first three months or the second three months of the half-year.

CHAPTER II.

TAXATION.

Levy of taxes on motor vehicles.

3. The Government may, by notification, from time to time, direct the levy of all or any of the following taxes on motor vehicles used, or kept for use, in the State at rates not exceeding those prescribed in the First Schedule and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say,—

(*a*) a vehicle tax on motor cycles, invalid carriages, motor cars and goods vehicles used solely for purposes of agriculture;

(*b*) a road tax on goods vehicles;

(*c*) a service tax on public service vehicles used for carrying passengers; and

(*d*) a mileage cess on stage and contract carriages excluding motor cabs.

Payment of tax and issue of licence.

4. (1) After the issue of a notification under section 3, no motor vehicle shall be used on any public road in the State, unless the registered owner, or the person having possession or control, of such vehicle has obtained a tax licence under sub-section (7) in respect of the vehicle.

(2) The vehicle tax levied under section 3 shall be payable for the year and in advance by the registered owner, or the person having possession or control, of the motor vehicle:

Provided that the Government may, by notification, allow payment of the tax for half-yearly periods at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance.

(4) Notwithstanding anything contained in section 3 and sub-sections (2) and (3) of this section, the Government may, by notification from time to time, direct the levy of taxes, at rates not exceeding those specified in Part E of the First Schedule, on motor vehicles belonging to, or in the possession and control, of persons, not ordinarily residing in the State and used or kept for use in Mysore by such persons for periods shorter than the half-year or the quarter, as the case may be, but not exceeding thirty days at a time. The levy of the taxes shall be subject to such conditions as may be specified by the Government in the said notification.

(5) Where a tax on any motor vehicle has been paid for any period and the vehicle has not been used during the whole of that period, or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may, from time to time, be specified by notification by the Government, shall be payable, subject to such conditions as may be specified in the said notification.

(6) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on any taxable motor vehicle, if the tax due on such vehicle for the same period has already been paid by some other person.

(7) When any person pays the amount of tax due on any taxable motor vehicle in the State, or proves to the satisfaction of the licensing officer that no tax is payable on any motor vehicle, the licensing officer shall—

(i) grant to such person a tax licence, in such form as may be prescribed, to use the vehicle on public roads in the State for the period or periods concerned;

(ii) record that the tax has been paid for a specified period or periods, or that no tax is payable on the vehicle, as the case may be, in the certificate of registration granted, or renewed, in respect of the vehicle under the Motor Vehicles Act, 1939, or, in the case of vehicles not registered under the said Act, in a certificate in such form as may be prescribed:

Provided that the Government may exempt from the provisions of this sub-section any person who has been exempted from the payment of the tax on any motor vehicle and prescribe the manner in which such exemption from payment of the tax is to be indicated.

Carriage of tax licence on vehicle.

5. (1) The tax licence granted in respect of a motor vehicle under sub-section (7) of section 4, shall be exhibited upon the vehicle in such manner as may be prescribed, and if such a licence is not so exhibited, the registered owner, or the person having possession or control, of such vehicle shall, on conviction, be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary, when required to do so by any police officer in uniform, not below the rank of Sub-Inspector, or, who, being below such rank, is empowered in this behalf by the Inspector-General of Police, Deputy Inspector-General of Police or the District Magistrate, for the purpose of satisfying himself that a tax licence has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a police officer or any other officer empowered under sub-section (2), shall, on conviction, be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

6. If a tax due on any motor vehicle has not been paid, the registered owner, or the person having possession or control, of such vehicle shall, on conviction, be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him on such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

7. Any tax under this Act may also be recovered in the same manner as an arrear of land revenue. The motor vehicle on the tax is due or its accessories may be destrained or sold, whether such vehicle or accessories be, or be not in the possession or control of the person liable to pay the tax.

Exemption from or reduction of tax.

8. The Government may, by notification, exempt or reduce the rate of a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

CHAPTER III.

TOLLS.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

9. Subject to the rules made by the Government in this behalf, the Government may cause such rates of tolls, not exceeding those specified in the Second Schedule, to be levied on any public road or bridge in the State, which has been, or shall hereafter be, constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Act, 1926, and may place the collection of such tolls under the management of any person and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would attach to them if employed in the collection of the land revenue.

Establishment of toll bars.

10. The Government may, from time to time, by notification declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section:

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board, or to

abolish an existing toll bar on such a road, such District Board shall be consulted before a decision is reached.

11. (1) In case of non-payment of any toll on demand, the person appointed or duly authorised to collect the same, may seize any of the vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll. Recovery of toll.

(2) If any such toll remains unpaid for twenty-four hours after the property has been seized under sub-section (1), the said property shall, after twenty-four hours' notice, exclusive of Sunday or any public holiday, be sold by order of the officer authorised to superintend the collection of the said toll, by public auction in payment of the toll, and all expenses occasioned by such non-payment, seizure and sale, and any balance that may remain shall be returned, on demand, to the owner of the property:

Provided that, if at any time before the sale has actually begun, the person, whose property has been seized, tenders the amount of all the expenses incurred, and double the toll payable by him, the said officer shall forthwith release the property seized.

(3) Any amount due on account of toll may also be recovered as an arrear of land revenue.

12. No person shall, with intent to evade payment of toll, cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier. Evasion of payment of toll.

13. Every person who — Penalty.

(*a*) not being a person appointed or authorised to collect tolls under this Act, levies or demands any toll on any public road or bridge or for passing through any bazaar situated on such road; or

(*b*) unlawfully demands or takes any other or higher toll than the lawful toll; or

(*c*) under colour of this Act, seizes or sells any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extorts money or any valuable thing from any person,

shall, on conviction before a magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees. Any part of such fine may be awarded by the magistrate to the person aggrieved.

Penalty for fraudulently passing a toll bar.

14. Any person who fraudulently or forcibly passes any toll bar, without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll, in the discharge of his duties, shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to fifty rupees.

Composition of tolls.

15. (1) Subject to such conditions as may be prescribed, any person may, in respect of a motor cycle, an invalid carriage, motor car or motor cab belonging to him, pay in lieu of all tolls, other than those levied at toll bars established on any road or bridge specified in the Fourth Schedule or a road or bridge constructed after the 1st of January, 1936, for the recovery of the amount expended upon such road or bridge, a quarterly composition fee at rates not exceeding the maxima specified in Part A of the Third Schedule. The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1), shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be specified by notification by the Government.

Composition of tolls in respect of a single toll bar.

16. Subject to such conditions as may be prescribed, any person may, in respect of any motor cycle, or invalid carriage, or a motor car not exceeding thirty hundredweights in weight, unladen, and constructed or adapted for the carriage of not more than seven persons including the driver, or stage carriage, or a cart drawn by a single bullock or bullocks, pay in lieu of all tolls payable at any one toll bar established under this Act, other than a frontier toll bar, an annual composition fee at rates not exceeding the maxima specified in Part B of the Third Schedule:

Provided that such composition under this section shall not—

(i) be allowed in respect of more than one toll bar for any such motor cycle, invalid carriage, motor car, stage carriage or cart; and

(ii) exempt such cart from tolls when laden with timber.

17. The Government may, by notification, exempt, or reduce the rate of toll payable— Exemption from or reduction of toll.

(i) by any person or class of persons, and

(ii) in respect of any vehicle or animal or classes of vehicles or animals.

CHAPTER IV.

MISCELLANEOUS.

18. All taxes and tolls collected under this Act and the Mysore Highways Act, 1920, shall be credited to such Head in the State Accounts as the Government may by order specify. Crediting of the proceeds of taxes and tolls.

19. (1) The Head of State Accounts specified under section 18, shall be debited under the order of the Government with the following charges, that is to say,— Utilisation of the proceeds of taxes and tolls.

(i) such amount as the Government may, from time to time, determine on account of the expenses incurred in giving effect to the provisions of this Act and of the Mysore Highways Act, 1920;

(ii) payments made to local authorities under section 23; and

(iii) allotments made at the discretion of the Government for such other purposes as may be consistent with, or necessary for, the more efficient administration of this Act and the Mysore Highways Act, 1920.

(2) After meeting the charges under sub-section (1) the balance of the money in the Head of State Account specified under section 18, shall be used for the construction and maintenance of roads and bridges.

Savings as to vehicles used for agricultural purposes.

20. No tax under this Act other than the vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce along a public road shall not, for the purpose of this section, be deemed to be used solely for the purposes of agriculture.

Municipalities not to levy taxes or tolls on motor vehicles.

21. Notwithstanding anything contained in the City of Bangalore Municipal Corporation Act, 1949, the Mysore City Municipalities Act, 1933, the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933, the Corporation of the City of Bangalore or any Municipal Council shall not levy a tax on motor vehicles, or a toll on such motor vehicles as are exempted from payment of municipal tolls under this Act.

Payment to District Boards and Municipalities for loss of tolls and vehicles tax.

22. (1) From the proceeds of the taxes and the tolls collected under this Act, the Government shall pay annually to each District Board, which prior to 1st January, 1936, was levying tolls, and to each Municipal Council which prior to 1st January, 1936, was levying a vehicle tax on motor vehicles, a sum determined by the Government, after consulting the District Board or the Municipal Council concerned, as representing the average annual income of each District Board from tolls and of each Municipal Council from vehicle tax on motor vehicles during the three years ending with the 30th day of June, 1935, after deducting therefrom such expenses of collection as may be determined by the Government.

(2) The Government may prescribe the conditions that should be taken into consideration in determining the amounts payable to a local authority under sub-section (1).

(3) Once in every three years, the Government may, after consulting the District Board or the Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid.

(4) The amount recovered in respect of the composition of tolls under section 15, the proceeds of the service tax under clause (*c*) of section 3 on all public service

motor vehicles plying or used solely within the jurisdiction of a Municipal Council and the proceeds of the mileage cess under clause (*d*) of section 3 shall be apportioned between the respective local authorities and the Government in such manner as may be determined by orders made by the Government.

Explanation.—In this section the expression "Municipal Council" includes the Corporation of the City of Bangalore.

23. No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Act. Jurisdiction of courts.

24. Every officer appointed by the Government for carrying out the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Officers to be deemed public servants.

25. No suit, prosecution, or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act. Protection of action taken in good faith.

26. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. Power of Government to make rules

(2) Any rule made under sub-section (1) may provide that a breach thereof shall, on conviction, be punishable with fine which may extend to fifty rupees.

27. Whoever contravenes any of the provisions of this Act, if no other penalty is elsewhere provided in this Act for such contravention, shall, on conviction, be punishable with fine which may extend to one hundred rupees. Penalty for offences for which no other penalty is provided for.

28. The Mysore Motor Vehicles and Road Traffic Act, 1944, (Mysore Act XXVII of 1944) in so far as it relates to the taxation of motor vehicles and tolls is hereby repealed: Repeal and savings.

Provided that—

(*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Act or rules or orders thereunder;

(*b*) any appointment, notification, notice, order, licence, permission, rule, form, tax or toll, made, issued, given or levied, and toll bars established and any legal proceedings instituted under the aforesaid Act or rules or orders thereunder, shall continue in force and be deemed to have been respectively made, issued, given or levied and instituted under this Act until superseded by or under the provisions of this Act.

THE FIRST SCHEDULE.

PART A.

THE VEHICLE TAX.

(*Section 3*).

Class of vehicles.	*Annual tax.* Rs.	a.	p.
1. Motor cycles—			
(*a*) Solo	22	8	0
(*b*) With side cars or tricycles	28	8	0
2. Invalid carriages	22	8	0
3. Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—			
(*a*) weighing not more than 15 cwts. unladen ...	45	0	0
(*b*) weighing more than 15 cwts. unladen ...	84	0	0
4. (*a*) Motor cars constructed or adapted to carry eight persons or more including the driver ...	90	0	0
(*b*) For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	150	0	0
5. Goods vehicles used solely for purposes of agriculture.	90	0	0

Privileges and exemptions—

The vehicle shall be exempted from all municipal tolls.

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PART B.

THE ROAD TAX.

(*Section 3*).

Class of vehicles	Quarterly tax: Vehicles fitted with pneumatic tyres on all wheels.			Quarterly tax: Other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. Goods vehicles without trailers—						
(*a*) not exceeding 15 cwts. in weight, laden.	34	0	0	51	0	0
(*b*) exceeding 15 cwts. but not exceeding 25 cwts. in weight, laden.	56	0	0	79	0	0
(*c*) exceeding 25 cwts. but not exceeding 30 cwts. in weight, laden.	79	0	0	101	0	0
(*d*) exceeding 30 cwts. but not exceeding 35 cwts. in weight, laden.	101	0	0	129	0	0
(*e*) exceeding 35 cwts. but not exceeding 50 cwts. in weight, laden.	127	0	0	169	0	0
(*f*) exceeding 50 cwts. but not exceeding 70 cwts. in weight, laden.	169	0	0	208	0	0
(*g*) exceeding 70 cwts. but not exceeding 100 cwts. in weight, laden.	197	0	0	254	0	0
(*h*) exceeding 100 cwts. but not exceeding 120 cwts. in weight, laden.	225	0	0	300	0	0
(*i*) exceeding 120 cwts. but not exceeding 150 cwts. in weight, laden.	250	0	0	350		0
(*j*) exceeding 150 cwts. but not exceeding 180 cwts. in weight, laden.	275	0	0	400	0	0
(*k*) exceeding 180 cwts. in weight, laden.	300	0	0	450	0	0
2. Additional tax payable in respect of the vehicles specified in paragragh 1 when used for drawing trailers.—						
(i) for each trailer not exceeding one ton in weight, laden.	67	8	0	96	0	0
(ii) for each trailer exceeding one ton in weight, laden.	140	0	0	169	0	0

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer,

3. Goods vehicles used for the carriage or haulage of goods and passengers.	(a) A tax as on a goods vehicle under items 1 and 2 above, having a weight which bears to the laden weight of the vehicle the same proportion as the floor area set apart for the carriage of goods, bears to the total floor area of the vehicle, together with, (b) a service tax calculated at the rate specified in Part C of this Schedule for every passenger which the vehicle is licensed to carry, and (c) a mileage cess as on stage carriages under Part D of this Schedule.

Explanation.—The expression "Goods" in item 3 above does not include light personal effects of passengers.

Provisos.—

1. (a) Goods vehicles shall be exempted from tolls other than those levied by a municipal council in the area in which they have the permit.

(b) While working outside the said area on special permits, they shall be liable to both Government and municipal tolls.

(c) Such vehicle shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides, or of that in the limits of which he carries on the business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.

Such vehicle when kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. Goods vehicles shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit, provided that, on roads which the Government may, by notification, declare as competing with the Railways in respect of traffic, they may be subjected to the payment of tolls.

3. The provisos to Part C and D of this Schedule shall also be applicable to the cases of vehicles under item 3.

4. In provisos (1) and (2) the expressions "municipal council" and "municipality" include respectively Corporation of the City of Bangalore and the area within the jurisdiction of the said Corporation.

PART C.

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SERVICE TAX.

(*Section 3.*)

Classes of vehicles	Quarterly tax: Vehicles fitted with pneumatic tyres on all wheels			Quarterly tax: Other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. Motor cabs and other contract carriages other than those specified in paragraph 3—						
(*a*) licensed to carry in all not more than two persons,	15	0	0	22	8	0
(*b*) licensed to carry three persons ...	22	8	0	33	12	0
(*c*) licensed to carry four persons ...	60	0	0	90	0	0
(*d*) licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.	15	0	0	22	8	0
2. Stage carriages for every person, whom the vehicle is licensed to carry—						
(*a*) plying on routes within the limits of the City of Bangalore, Mysore City, Kolar Gold Field Sanitary Board, and Shimoga Town.	10	0	0	15	0	0
(*b*) plying on other routes ...	7	8	0	11	4	0
3. Motor cabs and other contract carriages used for hire for a strictly limited purpose.	75	0	0	112	8	0

Provisos—

1. In the case of motor cabs one seat for the driver, and in the case of other contract carriages having a seating capacity of more than six passengers and stage carriages two seats, one for the driver and one for the conductor, shall not be taken into account for purposes of calculating the tax.

2. A motor vehicle is said to be used for hire for a strictly limited purpose when it satisfies the following conditions :—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution, that is to say, for the conveyance of its members, clients or workmen.

(c) It is used within the limits of the municipality in which it is kept.

(d) It is not available for hire by the general public.

3. Motor cabs, other contract carriages and stage carriages paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides, or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

A motor cab, other contract carriage or stage carriage when kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of payment of the tax, provided that the declaration made shall not be subject to variation during the year.

4. In provisos 2 and 3 the expressions "Municipal Council" and "Municipality" include respectively the Corporation of the City of Bangalore and the area within the jurisdiction of the said Corporation.

PART D.

MILEAGE CESS.

(Section 3.)

Class of vehicles.	*Rate of Tax.*
1. Stage carriages.—	
(a) when plying on State Fund Roads—cement concreted or tarred—on ordinary permits as part of regular service.	One anna per mile.
(b) when plying on State Fund Roads other than cement concreted or tarred roads, on ordinary permits as part of regular service.	Eight pies per mile.
(c) when plying on roads other than those specified in (a) and (b) above on ordinary permits as part of regular service.	Seven pies per mile.
(d) when plying on any of the roads specified in (a), (b) and (c) above on special permits.	One and and a half times the rates fixed in 1 (a), (b) and (c) above, as the case may be.
2. Contract carriages—	
With seating capacity for more than six persons.	Do

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Provisos—

1. Stage and contract carriages paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council or the Corporation of the City of Bangalore, except those levied at toll bars established on any road or bridge specified in the Fourth Schedule or a road or bridge constructed after the 1st of January, 1936, for the recovery of the amount expended on such road or bridge.

2. Stage carriages plying solely within the limits of the corporation of the City of Bangalore, or the Kolar Gold Field Sanitary Board or within the municipal area of Shimoga Town, or of the Mysore City Municipality are exempt from payment of the mileage cess specified in Part D of the First Schedule.

3. Stage carriages plying for hire between Kuppam and Palamnair on the Kuppam-Palamnair road are exempt from payment of mileage cess. The service tax payable by the said stage carriages is also reduced to annas twelve per seat per quarter, subject to a minimum of rupees fifteen per vehicle per quarter.

PART E.

VEHICLE TAX.

[*Sections 3 and 4—sub-section (4)*]

Class of vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days but not exceeding thirty days at a time
	Rs. a. p.	Rs. a. p.
1. Motor cycles—		
(*a*) Solo ...	1 14 0	5 10 0
(*b*) With side car or tricycles ...	2 10 0	7 8 0
2. Invalid carriages ...	1 14 0	5 10 0
3. Motor cars constructed or adapted to carry in all not more than seven persons including the driver—		
(*a*) weighing not more than 15 cwts., unladen ...	4 8 0	13 2 0
(*b*) weighing more than 15 cwts., unladen ...	6 6 0	18 12 0
4. Motor cars constructed or adapted to carry eight persons or more including the driver ...	15 0 0	45 0 0

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ROAD TAX.

Class of vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days, but not exceeding thirty days at a time
GOODS VEHICLES.	Rs. a. p.	Rs a. p.
(a) not exceeding 15 cwts. in weight, laden.	6 12 0	13 8 0
(b) exceeding 15 cwts. but not exceeding 30 cwts. in weight, laden.	15 12 0	31 8 0
(c) exceeding 30 cwts. but not exceeding 50 cwts. in weight, laden.	25 4 0	50 8 0
(d) exceeding 50 cwts. in weight, laden.	56 4 0	112 8 0

SERVICE TAX.

Class of Vehicles	For periods not exceeding seven days at a time.	For periods exceeding seven days but not exceeding thirty days at a time
	Rs. a. p.	Rs. a. p.
Motor cars, stage and contract carriages.— For every person the vehicle is licensed to carry.	1 8 0	3 0 0

MILEAGE CESS.

Stage and contract carriages with seating capacity for more than six persons.	One and a half times the rates fixed in 1(a), (b) and (c) of Part D of this Schedule.

Provisos :—

(1) In all cases, vehicles not fitted with pneumatic tyres on all wheels shall be liable to one and half times the rate of tax prescribed above for the respective class of the vehicle.

(2) The vehicles liable to the vehicle tax, the road tax, the service tax and the mileage cess shall be subject to the privileges, conditions, exemptions and limitations specified in the parts relating to that tax.

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THE SECOND SCHEDULE.

Rates of Tolls.

(Section 9.)

A. MOTOR VEHICLES.

		Rs.	a.	p.
1	On every motor cycle with or without side-car and invalid carriage.	0	4	0
2	On every motor car or motor cab constructed or adapted to carry not more than seven persons including the driver.	1	0	0
3	On every four-wheeled motor vehicle constructed or adapted to carry eight persons or more including the driver.	2	0	0
4	On every goods vehicle	3	0	0
5	On every four-wheeled vehicle propelled by steam or motor power other than those specified above.	3	0	0
6	On every four-wheeled vehicle of the categories mentioned in items 4 and 5 above, if laden with timber, and entering the State at a frontier toll-bar.	6	0	0

B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.

		Rs.	a.	p.
1	On every four-wheeled carriage ...	0	8	0
2	On every two-wheeled carriage on springs, other than a jutka or ekka.	0	4	0
3	On every ekka or jutka, laden... ...	0	2	0
4	On every ekka or jutka, unladen ...	0	1	0
5	On every other vehicle on springs excluding a tricycle and a bicycle.	0	2	0
6	On every cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden.	1	0	0
7	On every cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	8	0
8	On every cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0	8	0
9	On every cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	4	0
10	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden.	0	6	0

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		Rs.	a.	p.
11	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden.	0	3	0
12	On every cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0	4	0
13	On every cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	2	0
14	On every cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden.	0	2	0
15	On every cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden.	0	1	0
16	On every cart or other vehicle, if laden with timber and entering the State at a frontier toll bar.	3	0	0

C. Animals, Palanquins, Etc.

1	On every buffalo or bullock per head, if laden ...	0	1	0
2	On every buffalo or bullock per head, if not laden ...	0	0	6
3	On every elephant	1	0	0
4	On every camel, if laden	0	4	0
5	On every camel, if not laden	0	2	0
6	On every horse, if laden or ridden	0	1	6
7	On every horse, if unladen or not ridden ...	0	0	9
8	On every thattu or mule, if laden or ridden ...	0	0	9
9	On every thattu or mule, if unladen or led ...	0	0	6
10	On every ass, if laden or ridden	0	0	6
11	On every Palanquin, dooly, palna or tonjon with two bearers or rickshaw.	0	2	0
12	On every palanquin, dooly, palna or tonjon with more than two bearers.	0	4	0

Provisos—

1. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, if laden and entering the State at a frontier toll bar.

2. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, when such carts are laden with timber.

3. The Government may prescribe lower rates of tolls than those prescribed in this Schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.

THE THIRD SCHEDULE.

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PART A.

(*Section 15.*)

RATE OF FEE FOR COMPOSITION OF TOLLS ON MOTOR VEHICLES.

Class of vehicles	Fees per quarter					
	For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. MOTOR CYCLES AND INVALID CARRIAGES.						
(*a*) Motor cycles with two wheels ...	7	8	0	10	0	0
(*b*) Motor cycles if used for drawing a trailer or side-car.	10	0	0	12	0	0
(*c*) Motor cycles with three wheels ...	10	0	0	12	8	0
(*d*) Invalid carriages ...	7	8	0	10	0	0
2. MOTOR CARS AND MOTOR CABS.						
(*a*) Weighing not more than 15 cwts. unladen.	17	8	0	25	0	0
(*b*) Weighing more than 15 cwts. but not more than 30 cwts. unladen.	25	0	0	37	8	0
(*c*) Weighing more than 30 cwts. but not more than 45 cwts unladen.	32	8	0	50	0	0
(*d*) Weighing more than 45 cwts. but not more than 60 cwts. unladen.	40	0	0	60	0	0
(*e*) Weighing more than 60 cwts. unladen.	50	0	0	75	0	0
(*f*) Additional fee payable in respect of such vehicles when used for drawing trailers :—						
(*i*) For each trailer not exceeding one ton in weight, unladen.	10	0	0	15	0	0
(*ii*) For each trailer exceeding one ton in weight, unladen.	20	0	0	30	0	0

Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.

PART B. 677

(*Section* 16.)

RATE OF FEE FOR COMPOSITION IN RESPECT OF A SINGLE TOLL BAR FOR CERTAIN VEHICLES.

Class of vehicle	Amount of annual fee		
	Rs.	a.	p.
(*a*) Motor cycles and invalid carriages ...	15	0	0
(*b*) Motor cars weighing not more than 30 cwts. in weight, unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
(*c*) Stage carriages	200	0	0
(*d*) Carts drawn by a single bullock or two bullocks.	7	8	0

THE FOURTH SCHEDULE.

(*Section* 15.)

ROADS AND BRIDGES.

(*i*)	The road and bridge over ...	the Cauvery at T.-Narsipur.
(*ii*)	Do ...	the Cauvery at Krishnarajasagara
(*iii*)	Do ...	the Hemavati at Akkihebbal.
(*iv*)	Do ...	the Hemavati at Gorur.
(*v*)	Do ...	the Thunga at Thirthahalli.
(*vi*)	Do ...	the Karagally in the Jog area.
(*vii*)	Do ...	the Cauvery at Ramanathpur.

The service tax on stage and contract carriages is very much lower than the rates prevailing in Madras. Though no mileage cess is levied in Madras, yet the service tax and mileage cess combined in Mysore is less than the rate of the service tax levied in Madras. It is considered desirable to enhance the present uniform rate of mileage cess of six pies per mile while retaining the existing rate of service tax. It is proposed to fix different rates of mileage cess for different kinds of roads, as it is not reasonable to

fix the same rate for all kinds of roads. The following rates have accordingly been proposed :

State Fund roads (cement concreted or tarred)	....	1 anna per mile.
State Fund roads (metalled)	....	8 pies per mile.
All other roads	....	7 do

This enhancement however will not apply to stage and contract carriages plying in the limits of Bangalore City, Mysore City, Kolar Gold Field and Shimoga Town, as such vehicles are exempt from the payment of mileage cess. It is therefore proposed in their cases to enhance the service tax from Rs. 7-8-0 to Rs. 10 per seat.

The service tax on taxi cabs and contract carriages is also proposed to be enhanced as follows :—

Taxi cabs (four seats) from Rs. 30 to Rs. 60 per quarter.

Other taxi cabs from Rs. 7-8-0 to Rs. 15 for every additional seat.

Contract carriages used for a strictly limited purpose from Rs. 25 to Rs. 75 per quarter.

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Statement of Objects and Reasons.

With the extension of the Indian Motor Vehicles Act, 1939, to Mysore with effect from the 1st of April, 19[illegible] under the Part B States (Laws) Act, 1951, it is necessa[illegible] to make separate provision for the levy of taxes on mot[illegible] vehicles and tolls in Mysore. Hence this Bill, which [illegible] based on Chapter VIII and the relevant schedules of th[illegible] Mysore Motor Vehicles and Road Traffic Act, 1944.

The Bill gives effect also to the new taxation proposals.

The vehicles tax on private motor cars, motor cycles, etc., was enhanced by fifty per cent in 1949 with the approval of the State Legislature.

The number of transport motor vehicles in the State has since increased considerably, resulting in heavy wear and tear to the roads; and the cost of construction and maintenance of the roads also has increased. It is considered desirable therefore to increase the existing rates of taxes on goods vehicles, stage and contract carriages and taxi cabs.

The road tax on goods vehicles in Madras and elsewhere is based on the laden weight of the vehicle while it is levied in Mysore on the unladen weight. As it is the laden weight that affects the road, it is reasonable that such load should be the basis of taxation. Further in Mysore the tax on goods vehicles is levied on the basis of the purpose for which the vehicle is used, namely, whether it is let out for hire or reward or used for private purposes. It is proposed to remove this distinction and to levy the tax on the basis of the laden weight at an increased rate of $12\frac{1}{2}$ per cent of the existing rate levied on private goods vehicle.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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